County Regulation of Large Scale Commercial and Industrial Real Estate Development in the Southwest: Is It Effective?

by

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B.A. Anthropology
Cornell University, 2000

Submitted to the Department of Architecture in Partial Fulfillment of the Requirements for the Degree of Master of Science in Real Estate Development at the Massachusetts Institute of Technology

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ABSTRACT

Real estate developers and county officials were surveyed to determine the existence, content and accessibility of county regulatory guidelines for land use and real estate development projects in the southwestern US. Further, the developers and county officials were interviewed to understand the relationship between the quality of the regulatory guidelines and the associated process, and the quality of real estate development in the specified counties. The results from the survey and interview processes were analyzed to assess the efficacy of the county regulatory process for large scale commercial and industrial real estate development.

In most counties where the surveys were conducted, guidelines covering zoning and zoning related processes, planning, public works and transportation did exist but their currency and relevancy was questionable. All county regulatory bodies surveyed were in the process of updating the guidelines to make them current, clear and comprehensive for the existing communities, many of which were experiencing rapid population growth. County officials and developers agreed that quality of regulation significantly affects the quality of real estate development, thus impacting future economic development.

This thesis recommends updating guidelines to focus on certain key aspects for each guideline area studied: zoning and zoning related processes, planning, public works and transportation. Further, this thesis recommends bifurcating the guidelines and approval processes for large developments which can dramatically impact infrastructure, transportation and community sustainability versus small developments which may have a negligible impact on these areas. Additionally, this thesis contemplates the establishment of regional bodies to oversee certain aspects of land use planning unifying neighboring areas and reducing duplication of planning efforts in adjacent counties.

Thesis Supervisor: Brian Anthony Ciochetti, Ph.D.
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I. Introduction

Land use regulations, like the patterns of land use, are constantly changing. As people migrate to less developed areas, governing bodies in rural areas have to rethink and re-tool their views and regulations of land use. Government bodies in rural areas must continually increase their knowledge of urban planning tools and demonstrate flexibility towards change. Regulation of land use must be implemented for the benefit of the entire community, without political bias. Absent careful thought and planning on how to manage change, our communities will not be prepared to handle their future.

Their really are only two kinds of change in the world today: managed change and unmanaged change. Land use planning is one way to mitigate and manage change. Communities that want to preserve what makes them special have no real choice except to plan for the future. This requires sensible rules that govern how a community will grow and change. The rural landowners who most abhor change are often the first to realize that without sensible land use controls, everything they love about the place they live will ultimately disappear.¹

In many rural areas, such as those in the southwestern US, land use planning and development management are controlled at the county level. Historically, because of the lack of significant population and the agricultural nature of these rural areas, real estate development of any significance has not been a reality. As migration to the west and the creation of the “New West” continues, real estate development will diversify beyond residential development and become more and more prevalent. The New West, as described by Philip L. Jackson and Robert Kuhlken in A Rediscovered Frontier: Land Use and Resource Issues in the New West, is reachable because of transportation advancements and livable because of technological

advancements, which neutralize the impact of resource constraints. With these population changes, regulation of land use has to change, as well. Many counties which have not refreshed their land use and real estate development regulations have to do so in order to manage the change occurring at their doorsteps. The new real estate regulatory guidelines and processes need to be comprehensive and future focused. County officials need to establish a planning and development process to address the communities’ needs. The county regulatory bodies need to be balanced in their approaches towards regulation, so they do not inhibit the occurrence of positive real estate and economic development. They need to plan for tomorrow’s growth, as well as today.

In order to assess the current state and efficacy of county regulation of large-scale commercial and industrial real estate development, both real estate developers and county officials, in selected southwestern counties were surveyed. The surveys focused on the existence, availability and efficacy of county regulatory guidelines. After the surveys, the developers and county officials were interviewed about their perspectives on the relationship between the quality of the regulatory guidelines and process, and the quality of real estate development. Quality of regulatory guidelines and process indicates the extent to which the guidelines are current, comprehensive, accurate, and appropriate for the size of development project and the extent to which the regulatory process is conducted in a transparent manner. Quality of real estate development implies that development is a long-term net positive for the community, that real estate development doesn’t overburden infrastructure and community services, and that it creates jobs and increases the tax base for an area, leading to additional economic development.
II. History of Land Use Regulation

*History of Land Use Regulation- Transfer of Control to States*

The ability and power to regulate land use was commonly vested in state governments beginning with an enabling act. Before statehood, the Congress of the United States usually enacted an enabling act and once the necessary requirements in the enabling act were fulfilled, the state was admitted to the Union as a sovereign state.

Under the enabling act, the state was permitted to draft the State Constitution and elect the State Officers to serve under that constitution, “so that there [would] be people already in place to act as the State’s government the minute the State [was] admitted to the Union.” Once the state became a sovereign state it could control the use of land within the state borders. At that point, the state could turn over regulatory authority to counties or municipalities through varying forms of state legislation.

*History of Land Use Regulation in the Southwest- Transfer of Control to Counties and Municipalities*

The current states of Arizona, Colorado, Nevada, New Mexico and Utah were given enabling acts and admitted to the Union between March 1875 and February 1912, (see Figure 1).

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2 Not all states had enabling acts.
In their respective constitutions, these southwestern states decided that areas outside of incorporated municipalities would be governed locally by a county executive and legislative body, the Board of County Commissioners⁴. After President Hoover convened an Advisory Committee on Zoning and drafted “A Standard State Zoning Enabling Act” in 1925, these states adopted zoning enabling acts and/or subdivision acts further guiding the municipalities and the counties in their regulation of land use and real estate development. Beyond the zoning enabling acts, states maintained various degrees of control over land use and land use planning. Some states developed comprehensive approaches to land use under which all regional and local authorities in the state were mandated to regulate land use within the parameters of a pre-designed state-wide plan, or “comprehensive plan.” Generally, these comprehensive plans compelled local areas to write their own land-use plans, in-line with the state’s land use vision. Other states, through a variety of enactments, turned ostensibly complete control of local land use over to the local governments without a requirement to conform the local plans to a larger regional or state plan.

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⁴ With the exception of Arizona, Arizona’s governing body at the county level is the Board of Supervisors. The Board of Supervisors is also an executive and legislative body.
The State of Colorado, in 1974, per House Bill 1041, enacted a comprehensive land use management program, under which counties (unincorporated areas) were required to develop plans subject to the State’s mandate. To complete these required plans, Colorado provided financial support to local governments. Though Colorado mandated that counties create plans, the state provided very little guidance for the content of the plans. Colorado “[did] not specify requirements for a local plan and its legislation [was] generally vague.” As a result, this Colorado comprehensive land use plan may not serve its purpose nor compel the desired outcome.

The State of New Mexico does not have a comprehensive plan but it has passed several acts which the counties must follow when regulating land use and real estate development. In 1963, and later in 1973, under Article 3- Land Subdivision Act and Article 5- Subdivision Act, respectively, the State of New Mexico specified how counties are to regulate land use and real estate development. In recent years, some counties within the state have developed their own comprehensive plans to address land use patterns and development management across all areas of their counties, both in rural areas and urban municipalities. These plans generally address concerns only at the county level. There is no regional vision to stitch all of the county plans together or to inform larger land use decisions.

Throughout the West and Southwest, large tracts of federally owned or controlled land create additional complexities for land use and further politicize land use regulation.

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6 Ibid., 9.
The dominance of land in the politics and public policy of the West is due in part to the large amount of land governed by federal and tribal entities. More than 90 percent of all federal land in the U.S. lies in Alaska and the 11 westernmost contiguous states. The U.S. Forest Service, U.S. Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service manage most of the West’s geography and significantly influence the politics of land use decisions. Indian tribes govern one-fifth of the interior West and are key players in managing water, fish and wildlife.\(^7\)

In some instances, the federal government, through the U.S. Bureau of Land Management (“BLM”) develops its own land use plans which are not subject to the county plans. In 2000, the BLM proposed resource management and land use plans which cover 13.5 million acres of BLM-administered land in New Mexico. This proposal was completely separate from any state, county or local planning authorities. This proposal and other land use planning measures by the federal government question the need for and efficacy of county regulation of land use in counties where so much land cannot be regulated at the county level.

\textit{County Regulation of Land Use in the Southwest Today}

Even today, after years of extreme population growth and migration to the West and Southwest, much of the land remains in rural areas beyond the control of incorporated municipalities. Therefore, it is ultimately governed by the boards of county commissioners. The individual commissioners and the different boards possess varying degrees of sophistication and experience with land use regulation and have disparate amounts of time they can allocate to the regulation of land use. In some counties, county commissioners have additional vocations, while in other counties the county commission is their sole focus. These boards of

county commissioners may have significant expertise in land use regulation and planning and maintain coherent and thorough guidelines. However, some boards of county commissioners, together with their planning and zoning personnel, draft land use regulations for the first time when they are approached with potential new development typologies in their counties.

Inherent in the relationship between developer and regulator, parties often disagree on land use issues or even the appropriate scope and implementation of land use and real estate development regulation. Some developers claim that even counties with documented regulatory guidelines change, revise or redefine the guidelines every time they are approached with a potential development project. Furthermore, it is a prevalent feeling among county officials that many developers are “anti-regulation” and “anti-over-site” regardless of the county’s scope of regulation or intent for land use. Somewhere there must be a middle ground.
III. Background and Motivations

Background

As a native of Albuquerque, New Mexico, and a future real estate developer, I am exceedingly interested in the economic development of the Albuquerque area and how the area’s future economic development may be affected by real estate development.

Albuquerque sits at the intersection of Interstate 25 and Interstate 40, a vital cross-country trade and transportation route. Since 1970, Albuquerque’s population has nearly doubled and the city has grown in all directions. However, today the city’s growth is largely constrained.

To the west, Albuquerque has grown towards the West Mesa and is bumping up against Petroglyph National Park. Likewise, to the north, Albuquerque has expanded into the outlying historical agricultural communities and already borders on the Sandia Pueblo Reservation. To the east, lie the Sandia Mountains (“Sandias”) and the Cibola National forest. Currently the city limits extend to the top of the foothills of the Sandias and to the border of the forest. Kirtland Air force base occupies over 50,000 acres on the southeastern edge of the city and the Isleta Pueblo Reservation has over 100,000 acres to the southeast and southwest of the city. (See Figure 2)

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8 Population grew by 91% from 1970 to 2000. Data from the 2000 Census, per the U.S. Census Bureau website: http://quickfacts.census.gov.
Over the past 15 years, Valencia County, immediately south of Albuquerque and Bernalillo County has experienced significant residential development serving the needs of the ever expanding Albuquerque area. From 1990 to 2000, Valencia County’s population grew 46%\(^9\) and The Bureau of Business and Economic Research at the University of New Mexico estimates that the population of Valencia County will grow by 80% by 2025. Much of the county is currently undeveloped and it will most likely provide significant long-term growth opportunities for the greater Albuquerque area.

\(^9\) Data from the 2000 Census, per the U.S. Census Bureau website: http://quickfacts.census.gov.
Valencia County is 1,068 square miles and New Mexico’s 7th largest county by population with 66,125 people, as of the year 2000. It is the 4th most densely populated county in the state with approximately 62 people per square mile (See Appendix A: County Statistics for the State of New Mexico). The county seat is Los Lunas which is approximately 23 miles south of downtown Albuquerque. (See Figure 4) Historically, approximately 60% of people from Los Lunas and Belen, have commuted to Albuquerque for work.

10 2005 population is estimated to be 69,417. Data from the 2000 Census, per the U.S. Census Bureau website: http://quickfacts.census.gov.
11 Belen is the 2nd largest town in Valencia County and approximately 35 miles south of downtown Albuquerque.
Over the past several years, there has been a surge in commercial/industrial and economic development in Valencia County, in an effort to provide jobs at the local level. Recently, a Solo-Cup manufacturing plant and a Wal-Mart Distribution Center have been built in industrial parks in Los Lunas and Belen. Additionally, the county, through the comprehensive growth plan, is working to balance the booming residential development with development that creates jobs in Valencia County proper:

The basic principals behind the Valencia County’s Comprehensive Growth Plan [are] to preserve the valley in its rural, agricultural state and to provide for quality growth outside the valley\textsuperscript{13} without sprawl. The growth should be a balanced community where current and future residents have a full range of housing choices, employment opportunities, and

\textsuperscript{13} Valley in this context refers to the river valley. Development in this Valencia County often occurs outside the river valley on the surrounding mesas.
consumer opportunities. Valencia County has recently passed a zoning ordinance that reinforces this comprehensive plan.\textsuperscript{14}

The recent advent of the comprehensive growth plan, the Comprehensive Land Use Plan and the revision of zoning ordinances make the case for well-planned and community-minded development focused around “activity centers”\textsuperscript{15} to foster economic development. As stated clearly in the plan, “One of the purposes of the comprehensive plan is to steer development into forms that will provide the greatest benefit to the county and its residents.”\textsuperscript{16}

Valencia County exhibits two characteristics that make it similar to other rapidly growing counties in the southwest. First, many current and future development areas in Valencia County are regulated at the county level. The lack of a major metropolitan area indicates that real estate development will continue to be controlled, at least in part, at the county level. Second, Valencia County’s recent population growth and residential building trends create a demand for expanded economic development measures. The increased focus on commercial and industrial development indicates an effort to fortify the area’s economic base. Additionally, recent amendments to development and land use regulation infer that Valencia County is attempting to proactively manage change and foster the economic development of the area. These two characteristics suggest that an examination of the regulatory processes in counties similar to Valencia County may shed light on the characteristics associated with dynamic and effective planning and development at the county level.

\textsuperscript{14} Manzerro Plaza and Business Center, (www.nmlanddevelopers.com/projects/mp, 2006).
\textsuperscript{15} Board of County Commissioners of Valencia County, \textit{Valencia County Comprehensive Land Use Plan}, (2005), 69.
\textsuperscript{16} Ibid., 64.
Motivations

In most urban areas of the U.S., real estate development is regulated by strict ordinances which are translated into development guidelines detailing the processes and procedures which developers have to complete before commencing development. For example, in Boston, the guidelines detailing the processes and procedures for real estate development are described in the “BRA Development Review Guidelines” (see Appendix B). The guidelines contain a high level of specificity and account for a multitude of circumstances. They provide potential developers a very clear idea of the city’s expectations for development and the associated processes, and the specific submission requirements. Additionally, these guidelines are very accessible. They are posted on the Boston Redevelopment Authority’s (“BRA”) website.

Boston’s guidelines describe the processes and procedures of development review and distinguish between review of large projects, “Large Project Review” and small projects, “Small Project Review”. This bifurcation of the regulatory process is importance because large scale projects can have significant impacts, both negative and positive, on the community. Large projects can dramatically increase the number of jobs in and economic development of an area but also put increased strain on local infrastructure and community services. In contrast to Boston and other major metropolitan areas with similar regulatory guidelines and processes, non-urban counties, like Valencia County, regulate much of the land use and real estate development at the County level.

Initial conversations with southwestern developers and county officials suggested that the nature and quality of county regulatory guidelines and processes is largely left to the county’s discretion. Some counties have only broad and vague ordinances, which may be

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18 The Boston Redevelopment Authority is the Planning and Economic Development Agency of the City of Boston.
outdated, and which the prospective developer must interpret. Yet, other counties, like Valencia County, have comprehensive land use plans, which give a higher level of sophistication to and reasoning for county viewpoints and decisions. The visions detailed in the county comprehensive land use plans may or may not be reflected in the specific ordinances and may or may not be translated into prescriptive processes and procedures for developers to follow. Additionally, in the zoning ordinances and comprehensive plans, the guidelines, processes and procedures for large- and small-scale developments are rarely differentiated. This can be problematic as an industrial warehouse building covering a half-acre lot will have a significantly smaller impact on the community, the economy and the traffic patterns than an industrial mega-complex covering 400 acres.

The preliminary conversations indicated that, in addition to a varying nature of information provided, access to the information varies, as well. Some counties have websites which are updated on a regular basis providing the ordinances, plans and/or guidelines. Yet, other counties only provide this information in hard copy through the County clerk’s office, hindering out-of-county developers’ access to this vital information.

These initial observations suggest great variation in guidelines, processes and procedures for land use and real estate development regulation by counties. Additionally, these observations indicate that lack of access to regulatory guidelines might prevent development. To further explore these issues and determine if county regulation of real estate development is effective, this study focuses on two primary aspects of county regulation.

First, through surveys of developers and county officials, this study seeks to identify the existence, availability and efficacy of county regulatory guidelines for real estate development in the southwest. Second, through interviews of developers and county officials, this study seeks to understand the relationship between the quality of regulatory guidelines and process,
and the quality of real estate development. Quality of regulatory guidelines and process is defined as the extent to which guidelines are current, comprehensive, accurate, and appropriate for the size of development project and the process is conducted in a transparent manner. Quality of real estate development implies that development is a long-term net positive for the community, doesn’t overburden infrastructure and community services, and creates jobs and increases the tax-base of an area, leading to additional economic development.
IV. Survey and Interview

To answer this thesis’ preliminary questions of existence and availability of guidelines, developers and county officials were surveyed about their knowledge of existence and availability of guidelines. The responses to these initial survey questions established a baseline for further questioning of the efficacy of the guidelines.

To begin the assessment of guideline efficacy from a developer point of view, developers were further surveyed on their perceptions of guideline fairness

Fairness, as used in this context, is discussed in the “Survey for Developers” in Appendix C.

accuracy of guideline specifications and time expectations. In addition, to understand additional factors possibly affecting the regulatory process, developers were asked whether their success in the regulatory process was affected by previous experiences with development or by their relationships with county officials and personnel.

To begin the assessment of guideline efficacy from a county official point of view, county officials were further surveyed on the clarity of expectations for developers set by the guidelines, potential success in the development process through following the guidelines and the need for guideline revision.

Once the data on existence, availability and efficacy of guidelines were collected from developers and county officials through the survey questions, both groups were interviewed. The goal of the interviews was to qualitatively discuss perceptions of the relationship between the quality of guidelines and the regulatory process, and the quality of real estate development, as discussed earlier.
Description of Methodology and Sample

Counties in the Southwestern states of Arizona, Colorado, Nevada and Utah comprised the research area\(^{20}\). Within these states, counties were chosen with population densities and income statistics similar to Valencia County.

The population density of Valencia County, per the 2000 Census is approximately 62 people per square mile\(^{21}\). In contrast, Bernalillo County, an urban county home to the Albuquerque metro-area, has a population density of approximately 477 people per square mile. Population densities above 100 people per square mile were found to be semi-urban areas with most real estate development occurring within the limits of large incorporated municipalities. Thus, the upper limit of the range was set at 100. The lower limit of the range was set to 10 people per square mile. At, and above 10 people per square miles, there was evidence of industrial and commercial development. In addition, these areas had infrastructure sufficient to encourage population growth as witnessed in Valencia County. Below 10 people per square mile, counties were very rural and their economies were solely agricultural.

Valencia County has a median household income, as defined by the U.S. Census Bureau for 2003, of $35,944\(^{22}\). This is 102% of New Mexico’s median household income for 2003 of $35,091. In an effort to focus on counties like Valencia County with incomes close to the states’ average, the range for percentage of state’s median household income was set using a 20% band around the states’ median household income- 90% to 110% of the respective state’s median household income.\(^{23}\) However, this range reduced the number of counties to ten,\(^{24}\) lower than

\(^{20}\) New Mexico was not included in this study to eliminate any New Mexico specific political issues with the potential to influence the application of this study to Valencia County.

\(^{21}\) Data from the 2000 Census, per the U.S. Census Bureau website: http://quickfacts.census.gov.

\(^{22}\) Ibid.

\(^{23}\) Due to varying costs of living across states, county median income relative to state median income was used instead of absolute county median income.

\(^{24}\) A sample size of 10 implies a margin of error of 32%.
the number needed to effectively conduct the survey. After several modifications to the range, it was eventually set to 75% to 115%.

This final range of percentages of state’s median household incomes, coupled with the population densities resulted in a sample set of 25 counties as listed in Figure 5.

Figure 5: Southwestern counties with demographic characteristics similar to Valencia County, NM

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Population (census)</th>
<th>Land Area (square miles)</th>
<th>People per sq mile, 2000</th>
<th>County Median HH Income, 2003</th>
<th>State Median HH Income, 2003</th>
<th>% of State Median HH Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>NM</td>
<td>Valencia</td>
<td>69,417</td>
<td>1,068</td>
<td>61.9</td>
<td>$35,944</td>
<td>$35,091</td>
<td>102%</td>
</tr>
<tr>
<td>AZ</td>
<td>Cochise</td>
<td>126,106</td>
<td>6,169</td>
<td>19.1</td>
<td>$34,755</td>
<td>$41,963</td>
<td>83%</td>
</tr>
<tr>
<td>AZ</td>
<td>Gila</td>
<td>51,663</td>
<td>4,768</td>
<td>10.8</td>
<td>$31,745</td>
<td>$41,963</td>
<td>76%</td>
</tr>
<tr>
<td>AZ</td>
<td>Mohave</td>
<td>187,200</td>
<td>13,312</td>
<td>11.6</td>
<td>$32,482</td>
<td>$41,963</td>
<td>77%</td>
</tr>
<tr>
<td>AZ</td>
<td>Pima</td>
<td>924,786</td>
<td>9,186</td>
<td>91.9</td>
<td>$37,454</td>
<td>$41,963</td>
<td>89%</td>
</tr>
<tr>
<td>AZ</td>
<td>Pinal</td>
<td>229,549</td>
<td>5,370</td>
<td>33.5</td>
<td>$37,858</td>
<td>$41,963</td>
<td>90%</td>
</tr>
<tr>
<td>AZ</td>
<td>Santa Cruz</td>
<td>42,009</td>
<td>1,238</td>
<td>31.0</td>
<td>$32,017</td>
<td>$41,963</td>
<td>76%</td>
</tr>
<tr>
<td>AZ</td>
<td>Yavapai</td>
<td>198,701</td>
<td>8,123</td>
<td>20.6</td>
<td>$35,260</td>
<td>$41,963</td>
<td>84%</td>
</tr>
<tr>
<td>AZ</td>
<td>Yuma</td>
<td>181,277</td>
<td>5,514</td>
<td>29.0</td>
<td>$32,616</td>
<td>$41,963</td>
<td>78%</td>
</tr>
<tr>
<td>CO</td>
<td>Garfield</td>
<td>49,810</td>
<td>2,947</td>
<td>14.9</td>
<td>$48,018</td>
<td>$49,248</td>
<td>98%</td>
</tr>
<tr>
<td>CO</td>
<td>Gilpin</td>
<td>4,932</td>
<td>150</td>
<td>31.7</td>
<td>$52,826</td>
<td>$49,248</td>
<td>107%</td>
</tr>
<tr>
<td>CO</td>
<td>La Plata</td>
<td>47,452</td>
<td>1,692</td>
<td>26.0</td>
<td>$42,727</td>
<td>$49,248</td>
<td>87%</td>
</tr>
<tr>
<td>CO</td>
<td>Larimer</td>
<td>271,927</td>
<td>2,601</td>
<td>96.7</td>
<td>$50,197</td>
<td>$49,248</td>
<td>102%</td>
</tr>
<tr>
<td>CO</td>
<td>Mesa</td>
<td>129,872</td>
<td>3,328</td>
<td>34.9</td>
<td>$38,054</td>
<td>$49,248</td>
<td>77%</td>
</tr>
<tr>
<td>CO</td>
<td>Montrose</td>
<td>37,482</td>
<td>2,241</td>
<td>14.9</td>
<td>$38,398</td>
<td>$49,248</td>
<td>78%</td>
</tr>
<tr>
<td>CO</td>
<td>Summit</td>
<td>24,892</td>
<td>608</td>
<td>38.7</td>
<td>$51,432</td>
<td>$49,248</td>
<td>104%</td>
</tr>
<tr>
<td>CO</td>
<td>Teller</td>
<td>21,918</td>
<td>557</td>
<td>36.9</td>
<td>$51,333</td>
<td>$49,248</td>
<td>104%</td>
</tr>
<tr>
<td>CO</td>
<td>Weld</td>
<td>228,943</td>
<td>3,992</td>
<td>45.3</td>
<td>$44,583</td>
<td>$49,248</td>
<td>91%</td>
</tr>
<tr>
<td>NV</td>
<td>Lyon</td>
<td>47,515</td>
<td>1,994</td>
<td>17.3</td>
<td>$43,324</td>
<td>$45,249</td>
<td>96%</td>
</tr>
<tr>
<td>NV</td>
<td>Storey</td>
<td>4,074</td>
<td>263</td>
<td>12.9</td>
<td>$49,900</td>
<td>$45,249</td>
<td>110%</td>
</tr>
<tr>
<td>NV</td>
<td>Washoe</td>
<td>389,872</td>
<td>6,342</td>
<td>53.5</td>
<td>$50,090</td>
<td>$45,249</td>
<td>111%</td>
</tr>
<tr>
<td>UT</td>
<td>Cache</td>
<td>98,055</td>
<td>1,165</td>
<td>78.4</td>
<td>$41,703</td>
<td>$46,709</td>
<td>89%</td>
</tr>
<tr>
<td>UT</td>
<td>Carbon</td>
<td>19,437</td>
<td>1,478</td>
<td>13.8</td>
<td>$36,190</td>
<td>$46,709</td>
<td>77%</td>
</tr>
<tr>
<td>UT</td>
<td>Iron</td>
<td>38,311</td>
<td>3,298</td>
<td>10.2</td>
<td>$35,793</td>
<td>$46,709</td>
<td>77%</td>
</tr>
<tr>
<td>UT</td>
<td>Wasatch</td>
<td>18,974</td>
<td>1,177</td>
<td>12.9</td>
<td>$51,138</td>
<td>$46,709</td>
<td>109%</td>
</tr>
<tr>
<td>UT</td>
<td>Washington</td>
<td>118,885</td>
<td>2,427</td>
<td>37.2</td>
<td>$39,738</td>
<td>$46,709</td>
<td>85%</td>
</tr>
</tbody>
</table>

Through internet searches of websites for these 25 counties, economic development groups and databases, and industrial and business park listings, large-scale commercial and/or industrial parks were identified. Large commercial and industrial developments can significantly influence the economic development of an area, thus, this study focuses

---

25 A sample size of 25 implies a margin of error of 20%.
specifically on commercial and/or industrial development of 200 acres or more. Forty-two development projects that met these criteria were identified. Of these 42 developments, 24 had sufficient developer contact information listed to be included in the survey. The 14 counties “Sample Counties” which are home to these 24 development projects are listed in Figure 6.

**Figure 6: Sample Counties**

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Population (census)</th>
<th>Land Area (square miles)</th>
<th>People per sq mile, 2000</th>
<th>County Median HH Income, 2003</th>
<th>State Median HH Income, 2003</th>
<th>% of State MMHHI</th>
</tr>
</thead>
<tbody>
<tr>
<td>AZ</td>
<td>Cochise</td>
<td>126,106</td>
<td>6,169</td>
<td>19.1</td>
<td>$34,755</td>
<td>$41,963</td>
<td>83%</td>
</tr>
<tr>
<td>AZ</td>
<td>Gila</td>
<td>51,663</td>
<td>4,768</td>
<td>10.8</td>
<td>$31,745</td>
<td>$41,963</td>
<td>76%</td>
</tr>
<tr>
<td>AZ</td>
<td>Mohave</td>
<td>187,200</td>
<td>13,312</td>
<td>11.6</td>
<td>$32,482</td>
<td>$41,963</td>
<td>77%</td>
</tr>
<tr>
<td>AZ</td>
<td>Pinal</td>
<td>229,549</td>
<td>5,370</td>
<td>33.5</td>
<td>$37,858</td>
<td>$41,963</td>
<td>90%</td>
</tr>
<tr>
<td>AZ</td>
<td>Yuma</td>
<td>181,277</td>
<td>5,514</td>
<td>29.0</td>
<td>$32,616</td>
<td>$41,963</td>
<td>78%</td>
</tr>
<tr>
<td>CO</td>
<td>Larimer</td>
<td>271,927</td>
<td>2,601</td>
<td>96.7</td>
<td>$50,197</td>
<td>$49,248</td>
<td>102%</td>
</tr>
<tr>
<td>CO</td>
<td>Summit</td>
<td>24,892</td>
<td>608</td>
<td>38.7</td>
<td>$51,432</td>
<td>$49,248</td>
<td>104%</td>
</tr>
<tr>
<td>CO</td>
<td>Weld</td>
<td>228,943</td>
<td>5,992</td>
<td>45.3</td>
<td>$44,583</td>
<td>$49,248</td>
<td>91%</td>
</tr>
<tr>
<td>NV</td>
<td>Lyon</td>
<td>47,515</td>
<td>1,994</td>
<td>17.3</td>
<td>$43,324</td>
<td>$45,249</td>
<td>96%</td>
</tr>
<tr>
<td>NV</td>
<td>Storey</td>
<td>4,074</td>
<td>263</td>
<td>12.9</td>
<td>$49,900</td>
<td>$45,249</td>
<td>110%</td>
</tr>
<tr>
<td>NV</td>
<td>Washoe</td>
<td>389,872</td>
<td>6,342</td>
<td>53.5</td>
<td>$50,090</td>
<td>$45,249</td>
<td>111%</td>
</tr>
<tr>
<td>UT</td>
<td>Cache</td>
<td>98,055</td>
<td>1,165</td>
<td>78.4</td>
<td>$41,703</td>
<td>$46,709</td>
<td>89%</td>
</tr>
<tr>
<td>UT</td>
<td>Iron</td>
<td>38,311</td>
<td>3,298</td>
<td>10.2</td>
<td>$35,793</td>
<td>$46,709</td>
<td>77%</td>
</tr>
<tr>
<td>UT</td>
<td>Washington</td>
<td>118,885</td>
<td>2,427</td>
<td>37.2</td>
<td>$39,738</td>
<td>$46,709</td>
<td>85%</td>
</tr>
</tbody>
</table>

Average 35.3 91%
Median 31.2 90%

The Sample Counties have an average population density of 31.2 and an average of 91% of the respective state’s median household income for 2003.

**Mode of Data Collection**

Surveys and interview consent forms were sent, via the US Postal Service- Priority Mail, to the developers of the 24 identified projects and to the county officials in the Focus Counties, (See Appendix C and D, respectively, for “Survey for Developers” and “Survey for County Officials”). The developers and county officials had approximately 2 weeks to respond to the survey via fax.
or US mail (a pre-paid envelope was included with each survey). Additionally, developers and county officials were asked to consider participating in a follow-up interview via phone and to indicate their consent by executing the enclosed consent form.

**Survey- Regulatory Areas of Interest**

The surveys of developers and county officials focused on the existence, availability and efficacy of county regulatory guidelines for real estate development in the southwest. The four areas of development regulatory guidelines and processes covered by the survey were\(^{26}\): zoning and zoning related processes, planning, public works and transportation. Below is a brief discussion of each area, and the role it plays in land use and real estate development regulation.

**Zoning and Zoning Related Processes**

Guidelines describing zoning ordinances and variance, special use, subdivision and other zoning related processes inform potential developers of the County’s intended use for certain parcels or areas of land. These guidelines explain what is allowed under the current zoning designations and detail the County’s procedures for zoning variances, special uses permits and subdivisions.

**Planning Guidelines**

Planning guidelines detail the County’s planning purpose, goals and objectives for the area. They provide a holistic vision for the current and future community and how all aspects of real estate development fit into this vision.

**Public Works**

Public works guidelines detail the county’s method of dealing with electricity, water, sewer and other utilities. Many counties without major municipalities have not established

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\(^{26}\) Environmental regulation was not covered in the survey or interview because of the complicated nature of, vast amount of law on and federal involvement in the control of environmental regulation.
public service companies to serve developments in the area, thus these areas are only served through contracting with private providers. Additionally, areas that can be serviced by public service companies are often not within reach of the current utility infrastructure. The guidelines give developers an idea of how the county generally regulates developer interaction and contracting with utility companies, if at all.

*Transportation*

Transportation guidelines explain how the county assesses traffic impacts and other transportation issues created by real estate development. They discuss what actions are required by the county of the developer to mitigate possible impacts. Transportation guidelines might also discuss current and future transportation issues in the county and how the county intends to change transportation modes and patterns in the future.

*Interview- Qualitative Areas of Interest*

After the survey process was complete, interviews were conducted to address the relationship between the quality of regulatory guidelines and process, and the quality of real estate development. Quality of regulatory guidelines and process signifies the extent to which the guidelines are current, comprehensive, accurate, and appropriate for the size of development project and the extent to which the process is conducted in a transparent manner. Quality real estate development implies that development is a long-term net positive for the community, it doesn’t overburden infrastructure and community services and that it creates jobs and increases the tax base for an area, leading to additional economic development.
V. Data and Results

Data Recording

Answers from completed surveys were entered into a spreadsheet summarizing each question. All survey answers were added and then translated into percentages of respondents for each question, as displayed in the following Survey Results-Developers and Survey Results-County Officials sections. Additionally, many county officials and developers added illustrative comments in the survey margins and on the lines provided. Some of these comments have been included, anonymously, in discussion of the results.

Survey Results-Developers

Of the 24 developer surveys sent, 5 were returned- a 21% response rate. While we can’t rely on this small set for statistical significance, the results are indicative of trends. The results received from developers are discussed below.

Availability and Access to Guidelines

All developers surveyed report that guidelines detailing zoning and zoning related processes were available to them either in hardcopy or on the County’s website. A majority of developers said that guidelines for public works and transportation were also available to them, but that planning guidelines were not.

Survey for Developers: Question 1

Prior to initiating this project, were you provided guidelines for the following by the County regulatory body or were guidelines available to you on the County website?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>40%</td>
<td>60%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>60%</td>
<td>40%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Transportation</td>
<td>60%</td>
<td>40%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
Fairness and Accuracy of Guidelines

A large majority of developers indicated that all of the guidelines for zoning and zoning related processes, planning, public works and transportation, were fair, implying that they helped developers navigate though the regulatory process. Similarly, a majority of developers reported that the guidelines were accurate and if they followed the guidelines, they would achieve the expected result. One developer thought that the guidelines were not accurate, and were “somewhat unfair” or “not fair” (different responses for different guidelines), indicating that the guidelines were too restrictive and made him/her not want to pursue development in the specific county. This developer implied that there was a lack of transparency in the regulatory process and that it was difficult to assess what the county wanted to achieve through the regulatory process. It was also challenging for this developer to determine where the county stood on the process, as there was very little communication with the developer. Additionally, in one instance, a developer noted that statistical models were manipulated by members of the county staff to refute certain developments.

Survey for Developers: Questions 2 & 3

Having completed the entitlement and regulatory processes, do you think these guidelines, provided by the County were fair?

<table>
<thead>
<tr>
<th>Zoning Descriptions, Variance, etc processes</th>
<th>Somewhat Fair</th>
<th>Somewhat Fair</th>
<th>Unfair</th>
<th>Not Fair</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>80%</td>
<td>0%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>80%</td>
<td>0%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Transportation</td>
<td>80%</td>
<td>0%</td>
<td>0%</td>
<td>20%</td>
<td>0%</td>
</tr>
</tbody>
</table>

27 By “fair”, the guidelines were generally acceptable to developers for development and helped developers navigate through the regulatory process in this County. If the guidelines were not fair then they were too restrictive and discouraged developers from pursuing development in this county.
Were the guidelines accurate? If you followed them exactly, did you achieve the result you expected to achieve?

<table>
<thead>
<tr>
<th>Process</th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
</tr>
<tr>
<td>Transportation</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Accuracy of Guidelines and Time Expectations**

A large majority of developers said that it took longer than they had originally anticipated for completion of the regulatory processes. The developers reported that it took, on average, 2.5 times as long as they originally anticipated. On average, developers thought the regulatory processes would take 12 months and, in actuality, the regulatory processes took 28 months. One developer cited the problem with timing resulted from poor communication between the various government agencies and bodies. The development was caught in a “turf-war” dispute between two different agencies which doubled the number and length of meetings.

**Survey for Developers: Question 4**

Did it take longer than you originally anticipated to complete the regulatory processes (listed earlier) to get your permits to commence this development?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>20%</td>
</tr>
</tbody>
</table>

**Experiential and Political Impacts**

Developers overwhelmingly responded that previous development experience in a county can help a developer succeed in the regulatory processes in the county. A majority also thought that previous development experience in the state and with projects of the similar size, familiarity with the county board or personnel and previous interaction with county board or
personnel would or might help lead to success in the regulatory process. A few developers noted that political influence was necessary to get projects “passed” and enforcement of regulations was uneven—politically connected developers could develop projects which others could not. A large majority of the developers said they would not do anything differently in the regulatory process if they were to undertake their development project again, today. However, one developer noted that garnering more political influence at the beginning of the process would make the regulatory process more successful.

Survey for Developers: Questions 5&6

In your opinion, do the following items help or hinder a developer succeed in the regulatory processes in this County?

<table>
<thead>
<tr>
<th>Item</th>
<th>Really Helps</th>
<th>Might Help</th>
<th>Neutral</th>
<th>Might Hinder</th>
<th>Hinder</th>
<th>Don’t Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous development experience in this State:</td>
<td>80%</td>
<td>0%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Previous development experience in this County:</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Previous development experience with projects this size:</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Familiarity with County Board or personnel:</td>
<td>60%</td>
<td>40%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Previous interaction with County Board or personnel:</td>
<td>40%</td>
<td>60%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

If you were to undertake this development project today, would you do anything differently to complete the regulatory processes?

<table>
<thead>
<tr>
<th>Answer</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20%</td>
</tr>
<tr>
<td>No</td>
<td>80%</td>
</tr>
</tbody>
</table>
Survey Results-County Officials

In the 14 Sample Counties, surveys were sent to 56 county officials, to increase the likelihood of responses from at least one representative in each county. Nine officials responded from eight of the 14 counties- a 57% return rate on a county basis. Results from the county official surveys are discussed below.

Availability of and Access to Guidelines

County officials unanimously reported that their counties publish ordinances and guidelines on the zoning and zoning related processes and planning.28 Some counties have not yet developed guidelines on public works or transportation. Most counties publish these guidelines on their websites, or are attempting to do so in the near future. If they do not, they are generally available in the county office or if requested from a county official.

Survey for County Officials: Questions 1&2

Does your County regulatory body publish guidelines on the following items?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
<th>Don't Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>67%</td>
<td>22%</td>
<td>0%</td>
<td>11%</td>
</tr>
<tr>
<td>Transportation</td>
<td>67%</td>
<td>22%</td>
<td>0%</td>
<td>11%</td>
</tr>
</tbody>
</table>

If you do publish guidelines, how are these guidelines made available to developers?

<table>
<thead>
<tr>
<th></th>
<th>Publicly available in County Office</th>
<th>Need to request from County Official</th>
<th>Other</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>78%</td>
<td>22%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>56%</td>
<td>33%</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>44%</td>
<td>22%</td>
<td>0%</td>
<td>22%</td>
</tr>
<tr>
<td>Transportation</td>
<td>56%</td>
<td>11%</td>
<td>0%</td>
<td>33%</td>
</tr>
</tbody>
</table>

28 For a complete explanation of the terms in the survey, please see the surveys in the Appendices.
Expectations for and Success in Process

All county officials surveyed believe that their published guidelines provide developers with appropriate expectations for the processes and procedures related to zoning and zoning related issues and most feel that expectations are appropriately set for planning, public works and transportation. Yet, some officials cite a problem in the lack of expected time-frames for the various processes and procedures. Most officials responded that if developers follow the guidelines for the various processes and procedures, they will be or can be successful in completing the regulatory process. However, one official noted that the processes and procedures were so numerous that developers could only be successful if “they lived long enough”. Another official noted significant problems between government agencies. He illustrated this comment with a recent experience in which a development was approved by the county Planning and Zoning Board but was rejected by the Board of County Commissioners. The developer had spent a significant amount of time and money working with the Planning and Zoning Board on the development design. Unfortunately, the Planning and Zoning Board was not in communication with the Board of County Commissioners and didn’t understand the Commissioners’ unwavering view, thus, wasting all parties’ time and money.

Survey for County Officials: Questions 3&4
Do these guidelines provide developers with clear and appropriate expectations for the regulatory processes and procedures in your County?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>89%</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>56%</td>
<td>0%</td>
<td>44%</td>
</tr>
<tr>
<td>Transportation</td>
<td>56%</td>
<td>0%</td>
<td>44%</td>
</tr>
</tbody>
</table>
If developers follow these guidelines, do they generally succeed in completing the regulatory processes and procedures?

<table>
<thead>
<tr>
<th>Process</th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>89%</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>78%</td>
<td>22%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>56%</td>
<td>11%</td>
<td>33%</td>
</tr>
<tr>
<td>Transportation</td>
<td>56%</td>
<td>11%</td>
<td>33%</td>
</tr>
</tbody>
</table>

**Updating Guidelines**

All county officials reported that their guidelines for the processes and procedures relating to zoning and zoning related items should be re-written. A majority of county officials reported that the guidelines for the processes and procedures relating to planning, public works and transportation need to be re-written. The major problem cited was population growth. Per the officials, many of these counties have experienced higher than average population growth over the past five years creating previously unknown “urban” problems like the lack of necessary infrastructure and severe traffic congestion. This influx of population creates density issues that are not dealt with under the counties’ current zoning ordinances and result in an immediate need for transportation planning measures. Several county officials noted the guidelines and the regulatory process needed to regulate and plan for the future, not just for the current population and development environment. Additionally, several officials noted that the guidelines were old and outdated and did not include time frames. One county official responded that guidelines needed to be simplified and made more concise, which would likely improve the applicants’ understanding of the County’s expectations.
Survey for County Officials: Question 5
If you were re-writing these guidelines today, would you change anything?

<table>
<thead>
<tr>
<th>Section</th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>89%</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>67%</td>
<td>11%</td>
<td>22%</td>
</tr>
<tr>
<td>Transportation</td>
<td>67%</td>
<td>11%</td>
<td>22%</td>
</tr>
</tbody>
</table>

In response to Survey for County Officials: Question 6, advice from county officials for future developers in their counties was mixed. Some emphasized having pre-application meetings with the County Planning Office and the County Commission because the two bodies do not have the same expectations. Other county officials emphasized the need to “plan for the process.” One county official advised future developers not to attempt to short-cut the process and not to initiate the development before all approvals are in place.

Interview Results

Relationship—Quality of Guidelines and Process to Quality of Real Estate Development

During the interviews, developers and county officials overwhelmingly agreed that there was a significant positive relationship between quality regulatory guidelines and process, and quality real estate development. Quality of regulatory guidelines and process indicates the extent to which the guidelines are current, comprehensive, accurate, and appropriate for the size of development project and the extent to which the regulatory process is conducted in a transparent manner. Quality of real estate development implies that development is a long-term net positive for the community, that real estate development doesn’t overburden infrastructure
and community services, and that it creates jobs and increases the tax base for an area, leading to additional economic development.

Per county officials, accurate and comprehensive guidelines encourage “smart” development which positively impacts the community by helping to build a self-sufficient or intact “community” and by creating jobs. According to developers, current, accurate and comprehensive guidelines implemented through a cooperative process can increase conscientiousness in the development planning process and insight into future impacts on the community contributing to the development’s solvency for the long-term. A solvent development will create jobs and increase the county’s tax base leading to positive economic development of an area. Further, through comprehensive and forward thinking guidelines fatally overburdening infrastructure and transportation and access problems can be avoided.

However, the balance between accurate and comprehensive guidelines and overly restrictive guidelines is difficult to achieve. An official explained that his county’s current guidelines and regulatory process were too restrictive, keeping out “good” and “bad” development, thus the guidelines needed to be changed. To illustrate this point, the official said the County was currently attempting to develop a project in its own county and was having trouble with its own guidelines and regulatory process.

**Appropriate Regulatory Process for Size of Development**

While developers and county officials agreed, in theory, that development regulation had to be appropriate for the size and scope of a project, many developers and county officials did not believe bifurcation in the regulatory process for large and small developments existed in their counties. Other developers and county officials did not know whether or not such project size-specific guidelines and processes existed.
**Lack of Quality in Regulation**

One developer provided the insight that lack of privately owned land leads to disinterest in oversight and lack of quality in regulation. Some counties’ guidelines are outdated, never updated and not enforced because the federal government controls vast amounts of land in the counties that the county regulatory bodies do not have authority to regulate. In these counties, land use regulation is scarce and of low importance, thus the guidelines and associated regulatory processes lack quality, as defined earlier.
VI. Existing Problems and Potential Solutions

*Guidelines - Existence, Currency and Access*

As evidenced by developer and county official responses to the first few survey questions, for a few areas of real estate development, such as transportation and public works, guidelines in some counties do not exist. As a result, these counties may have developments being built without regard for impact on transportation and utilities infrastructure. This is especially troubling because most of the areas studied are experiencing drastic population growth and will soon have significant problems with the existing infrastructure, if they don’t already.

As reported in the survey responses, where guidelines do exist, some are outdated, not comprehensive and may not serve the current needs of the community. Additionally, per the responses to the *Survey for County Officials: Question 2*, in a few counties, guidelines are not publicly available on the counties’ websites and sometimes they can only be obtained through a direct request to a county official.

Guidelines for regulatory oversight of land use and real estate development need to be written in advance of development. Especially in areas with rapid population growth, outdated zoning ordinances and guidelines need to be updated and clarified to thoroughly communicate the county’s and community’s current and future land use desires.

The planning guidelines and planning vision for the area needs to be publicly available on the counties’ websites providing equal access to all. Developers can aid in implementing a planning vision, only if it is made available to them.

Transportation planning has to be a major part of local planning. Communities can only exist and thrive with appropriate access. The current migration and population trends in the West and Southwest make transportation planning a necessary precursor to community
development. Transportation networks and systems are very difficult to correct after the community is established.

Transportation planning should precede development....Most objections to sprawl are associated with transportation difficulties, traffic congestion, and reduced air quality. In planning for new communities on the fringe, planners and developers must shape transportation plans that are understandable and connected, and they must provide multiple transportation options...  

Guidelines- Detail and Accuracy

As reported in the results to Survey for Developers- Questions 3 & 4 and Survey for County Officials- Questions 3, 4 & 5, guidelines are generally accurate, but in many cases they do not include ample detail on regulation and expectations. In some circumstances, guidelines do not include any time frames for review processes, scheduling of public meetings, and approvals. As evidenced by the overwhelming county official response to re-writing guidelines, many development regulatory guidelines don’t provide accurate or sufficient detail on regulations, processes, procedures and time frames. Neglecting to include time frames and having inaccurate detail contributes to reduced transparency in the process. The lack of transparency in this process can create excessive and unwarranted uncertainty by keeping developers and the public guessing as to what the process is and what is happening behind closed doors.

By improving the detail of the guidelines and the explanations of the associated processes, procedures and their respective estimated time frames, the developers and county officials will be able to communicate more effectively. A first and simple step to improve the detail of the guidelines is adding approximate time frame expectations to all processes and...

procedures covered by the regulatory guidelines. With these time frame expectations in place, the various parties can focus on the aspects of the development regulatory process at hand, instead of arguing about time frames for review processes, scheduling of public meetings, and the timeliness of approvals. The next critical step is to review and update the guidelines and processes to meet the needs of the current and future community. However, this is not easily done because if done comprehensively it must involve many community constituents.

As reported in the interview results, the regulatory process in the Sample Counties is not bifurcated based on size of development and potential impact on community. This is problematic because impacts on the current and future community can only be addressed with the appropriate level of regulation and focus on the specific aspects of the potential development.

If possible, the regulatory process should be bifurcated using a metric, such as size (acres or square footage) of development, which would help to address the varying degree of potential community impact. If a development is relatively large and will have significant and far reaching impacts on the surrounding community and the area, a focused review process that specifically addresses these impacts should exist. In a bifurcated process, specific review sessions can be scheduled to address and mitigate any potential problems with large projects and smaller, less impacting projects, can undergo an expedited process to save time and resources.

**Regulatory Process- Political Impact**

The implication that developers need to garner political influence to complete development projects, as suggested in responses to the Survey for Developers: Questions 5 & 6, is concerning. These negative political perceptions are difficult to combat because of the inherent
political nature of the county regulatory positions. A majority, if not all, of the positions on the boards of county commissioners are elected, thus the people who hold the positions are politicians. And the process, to some extent, is political.

However, potential solutions or mitigations of political influence do exist. In counties where real estate development is overtly influenced by politics, checks and balances can be inserted into the process to protect the parties involved and prevent unjust influence. Commissioners and other personnel with close ties to developers or who would individually benefit from a certain development project, in excess of the general community, can be required to recuse themselves from any decision-making position. In counties where unjust political influence does not appear to exist, the process can always be improved by increased transparency. For example, county regulatory bodies can publicly justify decisions with publicly available land use plans, instead of with personal opinions.

**Relationship in Quality of Regulation and Quality in Resulting Development**

Per the perceptions of developers and county officials expressed in the interviews, there is, indeed, a relevant connection between quality of development guidelines and process, and quality of real estate development. Additionally, according to county official survey results on updating guidelines, many of the current guidelines do not portray the explicit and current needs of the expanding community. Further, many of the guidelines and processes do not address nor enforce items, such as stress on transportation utility infrastructure that can dramatically hinder the county and community’s future. Other guidelines and processes deter both “good” and “bad” development.

Many of these counties need commercial and industrial development, in addition to the rapid residential construction already taking place, to add to the economic foundation and
solvency of the communities and areas. The regulatory guidelines and processes need to plan for and foster these types of development. To improve the quality of the guidelines and the process, counties must establish and encourage strategy sessions with all county agencies, public workshops and community involvement in the process to determine the problems with the current guidelines and to create solutions. As expressed by Philip L. Jackson and Robert Kuhlken in *A Rediscovered Frontier: Land Use and Resource Issues in the New West*,

> The community interest in land use, as interpreted by representative local government, has an equally important obligation to seek broad consensus on land use and future development patterns as these will invariably affect aspects of public safety, efficiency, environmental quality, and livability.

In addition, guidelines should be given a “test run” by mock developers to establish whether they are having their intended impact of encouraging beneficial and community minded development.

**Ability to Change**

Adhering to all of the recommendations above and making all necessary changes to the regulatory guidelines and processes can be a very costly and time consuming process. Acknowledgement of problems and an effort to find solutions, on any level, will be helpful to the communities, county regulatory bodies and developers. The degree to which county regulatory bodies choose to revise their guidelines and processes will dictate, to a certain degree, the quality of future real estate and economic development in their counties.
**Other Potential Solutions**

A sophisticated and integrated multi-county regional planning effort could replace some efforts of the individual counties and might combat some of the existing problems with the guidelines and regulatory processes. Specific aspects of land use planning, if managed at the regional level, could reduce the time and resources spent by adjacent counties duplicating planning efforts. For example, the counties under the regional umbrella could allocate specific planning responsibilities such as transportation planning to the regional body. This would both reduce the individual counties’ need for independent transportation planning and also integrate adjacent county transportation systems which often don’t end at county lines. A regional planning body might also be able to more efficiently foresee and manage population growth and migration issues, as they are rarely isolated at the county level.

Additionally, the regional body could be responsible for communicating with all involved parties, preventing miscommunication between various agencies. In areas where the federal government and BLM control vast amounts of land, regional, rather than county, oversight might make land use regulation a reality. Counties where only a small amount of privately owned, and thus county-regulated land exists, wouldn’t suffer the burden of maintaining their own planning efforts. However, because regional planning would require significant coordination and realignment of agencies and governmental bodies, it may not be an option in the near term.

Economic development organizations exist in some form in most southwestern states. If economic development is managed effectively at the multi-county regional level, it may serve several of the purposes that a regional planning body would serve. In Utah, for example, the Economic Development Corporation of Utah (“EDCUTAH”), a public/private partnership
works as a centralized clearing house\textsuperscript{30} for counties and municipalities across the state. Developers interested in developing in Utah approach EDCUTAH with their proposed project and EDCUTAH directs them to a location in a specific municipality or county which fits their needs. Assuming an organization like EDCUTAH has, or could have, an understanding of current land use visions for the various counties and municipalities; it could handle much of the coordination that may otherwise be the responsibility of a regional body.

\textsuperscript{30} Per Ray Rosenthal, Commerce CRG, St. George, Utah
VII. Conclusions

As the migration to previously rural areas continue, and these areas come to resemble independent communities or suburban neighborhoods of larger municipalities, we must have a land use vision in place to benefit the community for the long term. County regulatory bodies must be eager to work with developers to encourage the economic development of their counties through appropriate means. Developers must be open to land use regulation and planning which benefit both the long-term needs of the community and of themselves. A beneficial relationship for all parties involved is required in order to have successful development.

*Individual communities on the fringe that are socially and economically integrated will encourage the development of a mixture of housing types within the community as well as within neighborhoods. Finally, any smart growth development must be economically viable for developers and fiscally sustainable for the community.*

Generally, as seen in the survey results, county regulation of real estate development is effective in counties where the guidelines and processes are updated, detailed and accessible. However, land use and real estate development regulation can and must be improved and updated as communities and land use patterns continue to change. As implied by the interview results, advanced planning for transportation and utility infrastructure can drastically improve the efficacy of the regulatory process for the current and future community. The bifurcation of the regulatory process will help the county regulatory bodies and community focus their time and resources where they are most needed. The establishment of regional regulatory bodies might minimize duplication of planning processes by small adjacent county governments.

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Regional planning authorities could more accurately plan for the future of an expanding area rather than the future within county lines as seen on a map. Public/private economic development corporations might also play a role in regional land-use oversight and planning implementation.

The quality of guidelines and the regulatory process affect the quality of real estate development. Where the guidelines are flawed and don’t correctly communicate the community’s needs and land use vision, developments that produce potentially harmful long-term affects, such as crippling traffic congestion or burdensome utility infrastructure use, are possible. These long-term effects can decrease livability and property values, ultimately hampering economic development. In counties where guidelines and processes are overly oppressive, politically tainted, not transparent and difficult to navigate, positive development projects may be turned away hindering future economic development.

Further extensions of this research into county regulation of real estate development might include a survey and interview process of a larger sample set or detailed case studies on counties with exemplary regulatory guidelines and processes. An increased sample size would provide results numerous enough to be statistically analyzed. Detailed case studies on specific counties would provide more insight on the regulatory process and impacts on the community.
VIII. Sources and References


Board of County Commissioners of Valencia County, Land Subdivision Regulations of Valencia County, New Mexico, General Resolution No. 1973-1, 1973.

Board of County Commissioners of Valencia County, Valencia County Comprehensive Land Use Plan. 2005.

Board of County Commissioners of Valencia County and the Valencia County Planning and Zoning Department, Valencia County Subdivision Regulations. 2000.


IX. Appendices

Appendix A- County Statistics for the State of New Mexico (ranked by Density)

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<th>County</th>
<th>Total Population</th>
<th>Land Area (square miles)</th>
<th>People per square Mile</th>
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<tr>
<td>Bernalillo County</td>
<td>556,678</td>
<td>1,166</td>
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<tr>
<td>Los Alamos County</td>
<td>18,343</td>
<td>109</td>
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<td>Santa Fe County</td>
<td>129,292</td>
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<td><strong>61.9</strong></td>
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<td>Dona Ana County</td>
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<td>Curry County</td>
<td>45,044</td>
<td>1,406</td>
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<td>San Juan County</td>
<td>113,801</td>
<td>4,717</td>
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<tr>
<td>Sandoval County</td>
<td>89,908</td>
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<td>McKinley County</td>
<td>74,798</td>
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<td>Taos County</td>
<td>29,979</td>
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<td>Lea County</td>
<td>55,511</td>
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<td>Roosevelt County</td>
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<td>Rio Arriba County</td>
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<td>Colfax County</td>
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<td>Quay County</td>
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<td>Sierra County</td>
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<td>Socorro County</td>
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<td>Mora County</td>
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<td>1,931</td>
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<td>Hidalgo County</td>
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<td>3,446</td>
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<td>Guadalupe County</td>
<td>4,680</td>
<td>3,031</td>
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<td>Union County</td>
<td>4,174</td>
<td>3,830</td>
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<tr>
<td>De Baca County</td>
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<td>2,325</td>
<td>1.0</td>
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<td>Catron County</td>
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<tr>
<td>Harding County</td>
<td>810</td>
<td>2,126</td>
<td>0.4</td>
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Source: 2000 Census, State and County QuickFacts, U.S. Census Bureau
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The Boston Redevelopment Authority ("BRA" or "Authority") was created in 1957 to oversee the design and implementation of Boston's urban renewal plans. Since then, the BRA's role has grown with the city. Today, the agency's responsibilities include planning, workforce development, and overall economic development. The internal structure of the BRA reflects its expanded responsibilities. The inclusion of the Economic Development and Industrial Corporation of Boston ("EDIC") and its Office of Jobs and Community Services ("JCS") into the BRA umbrella combines the Authority's planning and economic development roles with the workforce development programs of JCS to create a Boston that works for residents and businesses alike.

As the City of Boston's planning and economic development agency, the BRA has regulatory responsibility for reviewing major development proposals in Boston. The BRA's review authority covers a wide range of projects as outlined under the Boston Zoning Code ("Code").

The BRA reviews development proposals for compliance with the general plan for the City of Boston, which includes relevant master plans, zoning, and City programs and goals. General review criteria may vary depending on location, type, and size of the project. Design review criteria include references to building height, massing, materials, and other guidelines that preserve Boston's history, reconnect its urban fabric, and advance its character. Environmental criteria include a project's impacts on sunlight, wind, groundwater, and air and water quality, both during construction and upon completion. Transportation review, undertaken in coordination with the Boston Transportation Department ("BTD"), focuses on the impacts of traffic generation, parking, and loading, and examines proposed changes to rights-of-way, encroachments on public space, curb cuts, and requirements of the Boston Air Pollution Control Commission, if applicable. Employment impact review focuses on the nature and quality of jobs likely to result from the project and the degree to which those jobs will be accessible to Boston residents. Other review criteria include impacts on both infrastructure systems and capacities, and on historic resources. Review criteria are included in the Code and other planning documents. Community participation is encouraged and supported throughout the review process.

This booklet sketches the BRA's review process, describes the conditions that initiate the BRA's various review functions, defines the stages of its review, and provides a comprehensive list of submission requirements. The extent of the review is outlined at an initial meeting between the developer and BRA staff in accordance with the development review procedures of Article 80 of the Code ("Article 80"), and further defined as required in a scoping determination issued by the BRA for a proposed project.

State review of projects may be required under the Massachusetts Environmental Policy Act ("MEPA") to evaluate environmental impacts. Since MEPA applies to a number of projects that undergo BRA review, MEPA's authority and procedures are outlined in Appendix 1. State and BRA reviews are generally coordinated in such cases.

A building permit must be obtained from the City of Boston's Inspectional Services Department
("ISD") upon completion of the review process. ISD is responsible for enforcing the Code, the Massachusetts State Building Code, and other laws and ordinances relating to building construction and occupancy. In accordance with Article 80, the Commissioner of ISD will not issue a building permit unless he or she has received the requisite Certification of Compliance, Consistency, and/or Approval, as applicable, as well as an approved set of contract documents from the BRA. Likewise, no building permit will be issued until and unless zoning relief and compliance has been secured.
REVIEW PROCEDURES

To evaluate the quality and appropriateness of a proposal based on objectives stated in plans, guidelines, and regulations governing development in Boston, the BRA conducts a four-stage review process. This review is conducted by BRA staff from the agency's economic development, planning, and workforce development (Office of Jobs and Community Services or "JCS") divisions together with staff from the BTD, Boston Environment Department ("Environment"), Boston Public Works Department ("Public Works"), the Boston Water and Sewer Commission ("BWSC") and other City agencies, departments, or commissions as necessary. Staff is also assisted on a project-by-project basis by general community involvement, citizen advisory groups or task forces, professional associations, and other constituencies. The time frame for development review and the sequence of phasing may vary depending on the size and complexity of the project.

Step One: Development Concept

Projects are either privately or publicly initiated and the first step in development review varies accordingly.

For a privately initiated project, the developer contacts the BRA with a letter of intent that briefly describes the proposed project. For a Planned Development Area ("PDA") proposal, or Institutional Master Plan ("IMP") or equivalent, where specific projects may be less defined (or the overall plan area encompasses more than the single proposed project), the developer or institution should set up an initial meeting with the BRA to establish submission protocols. The BRA meets with the developer to discuss the development concept, government regulations and procedures, and submission requirements appropriate to the project from the comprehensive list included in this document. If appropriate, an Impact Advisory Group composed of residents, businesses, and community organizations from the impacted area will be formed to advise BRA staff in the consideration of project impacts and appropriate mitigation.

Publicly initiated projects include the disposition or leasing of City- or BRA-owned property that, because of size and location, require development review by the BRA. For BRA-owned properties, the BRA will prepare a developer's kit for a specific site, outlining the development concept and guidelines. A Request for Proposals ("RFP") to develop the site is publicly advertised. The responses are reviewed by the BRA and, as appropriate, the community. Following review, the BRA will grant tentative designation to a developer. In some cases for BRA-owned property, tentative designations will not be made until after full Article 80 review. The City follows a similar process for disposing of its properties.

From this point on, publicly and privately initiated projects follow similar review procedures.

Step Two: Article 80 of the Code

Article 80 of the Code allows public agencies to draw on the knowledge and experience of communities in the review of proposed projects. Article 80 contains four types of review: Large Project Review (Article 80B), Planned Development Area Review (Article 80C), Institutional Master Plan Review (Article 80D), and Small Project Review (Article 80E). Flow charts illustrating each of these processes may be found in Appendix 2.
Large Project Review applies to virtually all major projects in Boston, usually defined as projects that add at least 50,000 square feet of gross floor area or rehabilitate at least 100,000 square feet of gross floor area. Through Large Project Review, the BRA, guided by comments from the public, examines a project’s impacts on its immediate surroundings and the city as a whole. Depending on the project’s size, location, and use, the review may address the project’s impacts in a variety of areas, including traffic and parking, environmental protection (wind, shadow, noise, etc.), the design character of the area, historic buildings, infrastructure systems (water, sewer, etc.), and employment. Based on the outcome of the review, the BRA may require the developer to modify the project’s size, mass, or design or take other measures to mitigate anticipated impacts. Public input through community meetings and comment periods is an important part of this review process.

Planned Development Area Review applies to certain overlay districts that establish special zoning controls for large or complex projects. To qualify for PDA Review, a site must be at least one acre in size. The special zoning controls are laid out in a Development Plan for each PDA. PDA Review is similar to Large Project Review in terms of impact assessments. Approval requires public hearings before the BRA Board and the Boston Zoning Commission. Once a PDA is approved, components within the plan area may be submitted all at once or in phases over time (proposed project submissions initiated thus are Development Plan submissions) for design review and final permitting. Individual projects must still undergo Large Project Review or Small Project Review as appropriate. Public input through community meetings and comment periods is an important part of this review process.

Institutional Master Plan Review usually applies to large institutional campuses such as hospitals and universities. In these cases, institutions are required to submit a long-range development program, encompassing a minimum of ten (10) years. This allows the BRA and the community a context within which to evaluate an institution’s proposed projects and the potential effects of institutional growth on the surrounding area. The resulting IMP, upon approval by the BRA and the Boston Zoning Commission, allows projects whose specific uses, density, massing, and location are defined within the IMP to be proposed as of right. Individual projects must still undergo Large Project Review or Small Project Review as appropriate. Institutional Master Plan Review also involves impact assessments comparable to the above, and requires public hearings before and approval by the BRA Board and the Boston Zoning Commission. Institutions submitting an IMP are also required to submit biennial updates, per the Code, including such information as enrollment, employment, and economic impacts as well as any other circumstances that may differ from the original IMP or may prove relevant to understanding changing institutional conditions. Public input through community meetings and comment periods is an important part of this review process.

Small Project Review applies to all minor projects in Boston, usually defined as projects that add between 20,000 and 50,000 square feet of gross floor area or result in the construction of fifteen (15) or more new residential units. Small Project Review often entails community review as well as design review by the BRA’s Urban Design department.

Please see Article 80 of the Code for additional detail about the different review categories. Certain requirements of the Code may trigger Article 80 review automatically in some districts, and as-of-right zoning limits in many districts are enhanced by voluntary submission to Large
Project Review. Also, please note well public notification requirements as outlined in Article 80A and elsewhere.

**Step Three: Design Review**

Design review is an essential element of the full review process. The BRA’s Urban Design department, in conjunction with the planning and economic development staff, considers the compatibility of a project with its surroundings in terms of massing, height, materials, ornamentation, fenestration, landscaping, and access. The elements of ongoing design review include: (i) Project Schematics, (ii) Design Development plans, (iii) Contract Document plans, and (iv) Construction Inspection, as further defined in Section IV – Submission Requirements. Design review often begins prior to the submission of a Letter of Intent, but is fully engaged in the early stages of schematic design. A list of required submissions for design review is included in the section of this report entitled Submission Requirements. IMPs and PDAAs larger than a single site will generally be asked to include a larger context area in their urban design analysis, showing relationships and connections to the neighborhood or district, its uses, its character, and its infrastructure.

As part of the design review process, certain projects are subject to Article 28 of the Code – Boston Civic Design Commission (“BCDC”) review. BCDC review considers the relationship of a proposed project to the public realm of the City of Boston. Generally those projects at or over 100,000 gross square feet, or located within PDAAs or IMP areas, are subject to review by the BCDC. The BCDC may also, at its discretion, choose to review proposed projects of somewhat less than 100,000 SF if such are determined to have a significant potential impact upon the public realm of the neighborhood or City. The BCDC is advisory to the BRA and must act on a project before approvals may be obtained through the BRA. In general, both BCDC and BRA Article 80 review take place during the development of the schematic design for a given project.

**Step Four: Project Agreements**

Certain agreements are often required between the BRA and other City agencies and a developer prior to the issuance of a building permit by ISD. The following agreements, where applicable, may be requested of a project proponent:

- Affirmative Fair Housing Marketing Plan or Fair Housing Marketing Plan (with Boston Fair Housing Commission)
- Affordable Housing Agreement
- Boston Residents Construction Employment Plan
- Construction Management Plan (with BTD)
- Cooperation Agreement
- Development Impact Project (“DIP”) Agreement
- Disclosure of Beneficial Interests
- First Source Agreement and Memorandum of Understanding (with the Office of Jobs and Community Services)
- Transportation Access Plan Agreement (“TAPA”) (with BTD)

Once project agreements have been executed and construction has begun under the approved contract document plans, mock-up panels (materials review), construction change orders, and
any specified unresolved issues or details will be subject to ongoing review. The developer must request permission from the BRA and ISD prior to making changes from approved drawings if such changes involve modifications to the exterior or interior lobbies that can be viewed from the exterior. Site visits may be conducted to ensure construction of the project is in accordance with the contract documents.

After review of the completed project by BRA staff, a Certification of Completion will be approved by the BRA Board, certifying that the construction of the project has been completed according to the terms of the Authority’s agreements with the developer. Additionally, a Certification of Compliance will be approved by the BRA, certifying the status of the developer’s compliance with mitigation requirements and public benefits set forth in the agreements between the developer and the Authority, such as the Cooperation Agreement and Development Impact Project Agreement.
PROJECT REVIEW SUBMISSION REQUIREMENTS

Following is a comprehensive list of BRA submission requirements. Developers of large projects (Large Project Review), typically those greater than 50,000 square feet in size, are required to provide much of this information. Smaller proposals (Small Project Review) provide only the information appropriate to their context and complexity, as defined by the BRA. Some data are relevant especially to submission of IMP or PDA proposals. ISD or other City requirements may be obtained from the specific department. Developers should work with BRA project managers to determine the applicability of the requirements listed below.

In addition to full-size scale drawings, a completed Project Information Form, 25 copies (or as advised by the BRA) of a bound booklet containing all submission materials reduced to size 8-1/2" x 11", except where otherwise specified, are required, as well as one copy in digital format (e.g., Adobe Acrobat). For projects to be reviewed by the BCDC, 15 booklets containing the applicant and zoning information and the design submission materials are required, to be submitted one week before the initial presentation to the BCDC.

I. APPLICANT INFORMATION

A. Development Team
   1. Names
      a. Developer (including description of development entity or Chapter 121A entity)
      b. Attorney
      c. Project consultants (e.g., Architect, U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") Accredited Professional)
   2. Business address and telephone number for each
   3. Designated contact for each
   4. Description of current or formerly-owned developments in Boston

B. Legal Information
   1. Legal judgments or actions pending concerning the proposed project
   2. History of tax arrears by the development team on other property owned in Boston
   3. Property Title Report including current ownership and purchase options of all parcels in the development site

II. PROJECT AREA

A. Description of Metes and Bounds

B. Dimensional Information
   1. For areas requiring limited takings or air rights volumes, description of specific dimensional bounds of such areas accompanied by design documentation which clearly indicates structure, purpose, and use within such volumes

C. Current Zoning
III. PROJECT DESIGN

A. Phase I Submission: Project Schematics

The following submission requirements apply to any project subject to Large (or Small, at the discretion of the BRA) Project Review as well as PDA Development Plans. Certain PDAs and IMPs will require more generalized and broader information establishing a framework within which the proposed projects will be set. As these plans establish the equivalent of a zoning district, this additional material is key in evaluating not only the impacts of proposed projects within the PDA, but also how those plan areas fit within the context of the city.

1. Written description of program elements and space allocation (in square feet) for each element, as well as project totals
2. Neighborhood plan, elevations and sections at an appropriate scale (1"=100' or larger as determined by the BRA) showing relationships of the proposed project to the neighborhood:
   a. massing
   b. building height
   c. scaling elements
   d. open space
   e. major topographic features
   f. pedestrian and vehicular circulation
   g. land use
3. Color or black and white 8"x10" photographs of the site and neighborhood
4. Sketches and diagrams to clarify design issues and massing options
5. Eye-level perspective (reproducible line or other approved drawings) showing the proposal (including main entries and public passages/areas) in the context of the surrounding area. Views should display a particular emphasis on important viewing areas such as key intersections or public parks/attractions. Long-ranged (distanced) views of the proposed project should also be studied to assess the impact on the skyline or other view lines. At least one bird’s-eye perspective should also be included. All perspectives should show (in separate comparative sketches) both the build and no-build conditions. The BRA should approve the view locations before analysis is begun. View studies should be cognizant of light and shadow, massing and bulk.
6. Additional aerial or skyline views of the project, if and as requested
7. Site sections at 1"=20' or larger (or other scale approved by the BRA) showing relationships to adjacent buildings and spaces
8. Site plan(s) at an appropriate scale (1"=20' or larger, or as approved by the BRA) showing:
   a. general relationships of proposed and existing adjacent buildings and open spaces
   b. open spaces defined by buildings on adjacent parcels and across streets
   c. general location of pedestrian ways, driveways, parking, service areas, streets, and major landscape features
   d. pedestrian, handicapped, vehicular and service access and flow through the parcel and to adjacent areas
   e. survey information, such as existing elevations, benchmarks, and utilities
   f. phasing possibilities
9. Model made of bass wood at a 1"=10′ scale minimum with the surrounding context with the proposed projects and existing conditions extending to a minimum three-block radius beyond each development parcel.
10. A massing model of the proposal in a digital 3D Max format. The digital model must illustrate the proposal and its immediate surrounding blocks in sufficient detail using texture mapping. The digital specifications of the model must be made in coordination with the BRA Urban Design Department to fit the BRA’s city-wide digital model.
11. Study model at 1"=18′ or 1"=20′ showing preliminary concept of setbacks, cornice lines, fenestration, facade composition, etc.
12. Drawings at an appropriate scale (e.g., 1″=8′, 1″=10′, or as determined by BRA) describing architectural massing, facade design, and proposed materials including:
   a. building and site improvement plans
   b. neighborhood elevations, sections, and/or plans showing the development in the context of the surrounding area
   c. sections showing organization of functions and spaces, and relationships to adjacent spaces and structures
   d. preliminary building plans showing ground floor and typical upper floor(s)
   e. phasing, if any, of the proposed project
13. A written and/or graphic description of the building materials and its texture, color, and general fenestration patterns.
15. Electronic files describing the site and proposed project at Representation Levels one and two ("Streetscape" and "Massing") as described in the document Boston "Smart Model." Two-Dimensional Mapping Standards (Appendix 3)
16. Full responses, which may be in the formats listed above, to any urban design-related issues raised in preliminary reviews or specifically included in the BRA scoping determination, preliminary adequacy determination, or other document requesting additional information leading up to BRA Board action, inclusive of material required for BCDC review.
17. Proposed schedule for submission of all design or development-related materials

In addition, all IMP and PDA Master Plan submissions (for areas comprising more than a single site/structure) shall include the following, again in printed and duplicable digital format, and revised as required during the review process for later reference:

18. A comprehensive Plan Area map, clearly indicating bounds and all site locations and approximate building footprints.
19. Such Plan Area map, modified to show (a) existing and (b) proposed zoning restrictions.
20. For IMPs, a table and map listing all buildings owned or leased by the institution, both on and off the campus, and indicating:
   a. total area including area below grade
   b. uses and area devoted to each use
   c. height in feet and number of floors, including floors below grade
   d. age
   e. condition
   f. proposed action (rehabilitation, demolition, replacement, or other) during
the term of the IMP

21. Uses (specifying the principal sub-uses of each land area, building, or structure)
22. Square feet of gross floor area within Plan Area
23. Square feet of gross floor area eliminated from existing buildings through demolition of existing facilities
24. Floor area ratios, individually and in total
26. Building heights within Plan Area
26. Parking areas or facilities, both existing and to be modified or provided in connection with proposed projects
27. A series of neighborhood plans (to the extent not covered in item 22 above) at a scale of 1"=100' showing existing and proposed building heights, building uses, pedestrian circulation, and vehicular circulation of cars, service vehicles, and buses, shuttles, or ambulances; the area to be included in the plans shall extend not less than 1,500 feet in all directions from the proposed project site except as specifically agreed upon otherwise by the BRA
28. Diagrammatic sections through the neighborhood (to the extent not covered in item 22 above) cutting north-south and east-west at the scale and distance indicated above
29. True-scale three-dimensional graphic representations of the area indicated above either as aerial perspective or isometric views showing all buildings, streets, parks, and natural features
30. A study model at a scale of 1"=40' showing the proposal in the context of other buildings extending 500 feet in all directions from the project site or as determined by the BRA. If the Plan Area is within the area of the BRA's Downtown 1"=40' Model, see #11 above

B. **Phase II Submission: Design Development** (At this stage, all relevant PDA or IMP Plan material has been submitted and approved; the building design progresses in this and the following phases.)

1. Revised written description of project
2. Revised site sections
3. Revised site plan showing:
   a. relationship of the proposed building and open space to existing adjacent buildings, open spaces, streets, and buildings and open spaces across streets
   b. proposed site improvements and amenities including paring, landscaping, lighting and street furniture
   c. building and site dimensions, including setbacks and other dimensions subject to zoning requirements
   d. any site improvements or areas proposed to be developed by some other party (including identification of responsible party)
   e. proposed site grading, including typical existing and proposed grades at parcel lines
4. Dimensional drawings at an appropriate scale (e.g., 1"=8?) developed from approved schematic design drawings which reflect the impact of proposed structural and mechanical systems on the appearance of exterior facades, interior public spaces, and roofscape including:
   a. building plans and elevations
b. preliminary structural drawings

c. preliminary mechanical drawings

d. sections

e. elevations showing the project in the context of the surrounding area as required by the Authority to illustrate relationships or character, scale and materials.

5. Large-scale (e.g., 3/4"-1") typical exterior wall sections, elevations, and details sufficient to describe specific architectural components and methods of their assembly.

6. Outline specifications of all materials for site improvements, exterior facades, roofscape, and interior public spaces.

7. A study model at an appropriate scale (e.g., 1:8', 1:16', or as determined after review of schematic design) showing refinements of façade design.

8. Eye-level perspective drawings showing the revised project in the context of the surrounding area.

9. Preliminary samples of all proposed exterior materials (see Appendix 4)

10. Complete photo documentation (35 mm color slides) of above components including major changes from initial submission to project approval, if and as requested by the BRA.


All above information may be additionally requested in either booklet or suitable electronic form.

C. Phase III Submission: Contract Documents (At this stage, a project has likely received approval and is seeking building permits from ISD.)

1. Final written description of project, including final program breakdown

2. A site plan showing all site development and landscape details for lighting, paving, planting, street furniture, utilities, grading, drainage, access, service, and parking.

3. Complete architectural and engineering drawings and specifications. One set for BRA reference; additional sets or cover sheets as required for stamped approvals prior to submission to ISD.

4. A complete list of exterior building and site materials and plantings, including a materials sample board if and as requested (see Appendix 4)

5. Eye-level perspective drawings or presentation model that accurately represents the project, and a rendered site plan showing all adjacent existing and proposed structures, streets, sidewalks, pathways, and site improvements.

6. Site and building plan at 1":100" for Authority's use in updating its 1":100" photogrammetric map sheets, if and as requested.

7. Revised basswood models of final project design suitable for placement, if and as appropriate, in the applicable BRA model bases.

8. A massing model of the proposal in a digital 3D Max format. The digital model must illustrate the proposal and its immediate surrounding blocks in sufficient detail using texture mapping. The digital specifications of the model must be made in coordination with the BRA Urban Design Department to fit the BRA's city-wide digital model.

9. Electronic files describing the site at Representation Levels three and four ("Building Envelope" and "Photo-realistic") as described in the document Boston "Smart Model": Two-Dimensional Mapping Standards. This should include the
site, if topology has been altered


11. Complete photo documentation (35 mm color slides) of above components including major changes from initial submission to project approval, if and as requested by the BRA.

All above information may be requested in electronic form suitable to the BRA for purposes of reference and information. All above information may be requested in booklet form for limited distribution or reference.

D. Phase IV Submission: Construction Inspection (Phase IV occurs throughout the construction period)

1. All contract addenda, proposed change orders, and other modifications and revisions of approved contract documents that affect site improvements, exterior facades, roofscapes (inclusive of HVAC equipment and mechanical or access penthouses), and interior public spaces submitted to the Authority for review and approval prior to effectuation

2. Shop drawings of architectural components which differ from or were not fully described in the contract documents

3. Information or modifications requested as a condition of approval by the BRA

4. A signage plan or specific signage or building identification proposals

5. A lighting plan or any specific site or building facade lighting proposals, inclusive of any off-site lighting of buildings or monuments undertaken in conjunction with the project

6. Mock-up panels: Full-size assemblies (at the project site) of significant exterior materials or details of proposed details of construction (joint materials including grout or caulking, window frames, mullions, and panelling, glass and spandrel panels, masonry or other patterning) and including all feasible facade conditions. Drawings of proposed mock-up panels shall be submitted to the BRA for review and approval prior to erection. Approval of all materials, including both site and building materials, shall not be deemed final until after this mock-up panel review has been completed by the BRA (see Appendix 4)

7. Viewing of any additional models or mock-ups promulgated by the developer for marketing or other purposes


IV. BRA PROJECT IMPACT ASSESSMENT

Whether or not a project comes within the purview of the MEPA review requirements, the BRA may request all or several of the environmental analyses listed below. The extent of analyses required depends on size, location, and complexity of the project as defined in the scoping determination issued during Article 80 review.

A. Transportation Impacts/Access Plan

1. Parking
   a. Number of spaces provided indicating public and private allocation
   b. Reduction in parking from previous use of site
   c. Proposal’s impact on demand for parking
   d. Parking plan, including layout, access, and size of spaces
2. \textbf{Loading}\n\hspace{1em}a. Number of docks
\hspace{1em}b. Location and dimension of docks

3. \textbf{Access}\n\hspace{1em}a. Size and maneuvering space on-site or in public right-of-way
\hspace{1em}b. Access, curb cuts, and/or sidewalk changes required

4. \textbf{Vehicular Traffic}\n\hspace{1em}a. Project vehicular traffic demand and generation (daily and peak-hours) and distribution
\hspace{1em}b. Circulation and access impacts on the local and regional street system and local intersections (traffic impact area), including capacity and level-of-service analyses
\hspace{1em}c. Modal split and vehicle occupancy analysis

5. \textbf{Public Transportation}\n\hspace{1em}a. Location and availability of public transportation facilities
\hspace{1em}b. Usage and capacity of existing system
\hspace{1em}c. Peak-hour demand and capacity analysis
\hspace{1em}d. Measures to encourage use of public transportation

6. \textbf{Pedestrian Circulation}\n\hspace{1em}a. Demand and capacity analysis on project area sidewalks
\hspace{1em}b. Connections to public transportation station stops
\hspace{1em}c. Effect on pedestrian flows of project parking and servicing entrances and exits

7. \textbf{Access Plan}\n\hspace{1em}a. Measures to manage parking demand and optimize use of available parking spaces, including:
   \hspace{1em}Proposed rate structure(s)
   \hspace{1em}Ride-sharing incentives and information dissemination
   \hspace{1em}Set-asides for high-occupancy-vehicles; number and location
   \hspace{1em}Set-asides for after morning commuter peak (usually 9:30 or 10:00 a.m.)
\hspace{1em}b. Measures to encourage public transportation use, including:
   \hspace{1em}Mass transit information dissemination
   \hspace{1em}MBTA pass sales and subsidies
   \hspace{1em}Direct station links or pedestrian connections
\hspace{1em}c. Measures to reduce peakings, including:
   \hspace{1em}Encouragement of flexible work hours
   \hspace{1em}Restrictions on service and good deliveries
\hspace{1em}d. Measures to mitigate construction impacts, including:
   \hspace{1em}Time and routes of truck movements
   \hspace{1em}Storage of materials and equipment
   \hspace{1em}Worker parking and commuting plan
\hspace{1em}e. Monitoring and reporting measures

\textbf{B. Environmental Protection}\n\textbf{1. Wind}\n\hspace{1em}a. A qualitative or quantitative (wind tunnel) analysis of pedestrian level winds may be required for existing (no-built) and build conditions. Wind
tunnel testing shall be required for:
  Any building higher than 100 feet
  Any building 100 feet high and at least two times higher than the adjacent buildings
  Any other building which falls below these thresholds but because of its context and particular circumstances would require wind tunnel testing

b. The analysis shall determine potential pedestrian level winds adjacent to and in the vicinity of the project site and shall identify any areas where wind velocities are expected to exceed acceptable levels, including the Authority’s guideline of an effective gust velocity of 31 miles per hour (mph) not to be exceeded more than 1% of the time
c. The analysis also shall determine the suitability of particular locations for various activities (e.g., walking, sitting, eating, etc.) as appropriate
d. Particular attention shall be given to public and other areas of pedestrian use, including, but not limited to, entrances to the project and adjacent buildings, sidewalks adjacent to and in the vicinity of the project buildings, and parks, plazas, and other open spaces and pedestrian areas near the project development
e. Wind speeds shall be measured in miles per hour
f. For areas where wind speeds are projected to be dangerous or to exceed acceptable levels, measures to reduce wind speeds and to mitigate potential adverse impact shall be identified and, if appropriate, tested
g. Should a qualitative analysis indicate the possibility of excessive or dangerous pedestrian level winds, additional analyses, including wind tunnel testing may be required
h. Wind tunnel testing shall be conducted in accordance with the Protocol for Quantitative Pedestrian Level Wind Impact Analysis (Appendix 5)

2. Shadow
   a. Shadow analysis may be required for existing (no-build) and build conditions for the hours of 6:00 a.m., 12:00 noon, and 6:00 p.m. for the vernal equinox, summer solstice, autumnal equinox, and winter solstice and for 6:00 p.m. in the summer and fall. In addition, on a case-by-case basis, analysis for other times of day (e.g., 10:00 a.m.) may be required
   b. Shadow analysis shall be conducted using the Sun Altitude/Azimuth Table (see Appendix 2)
   c. The shadow impact analysis must include net new shadows as well as existing shadows; net new shadows shall have a clear graphic distinction. For purposes of clarity, new shadows should be shown in a dark, contrasting tone distinguishable from existing shadows
   d. Shadow analysis must show the incremental effects of the proposed development on existing and proposed public open spaces and pedestrian areas (including transit stops), including, but not limited to sidewalks and pedestrian walkways adjacent to and in the vicinity of the proposed project and parks, plazas, and other open space areas. The analysis must clearly label all streets, vehicular paths, public open spaces, and pedestrian areas adjacent to and in the vicinity of the proposed project area. A North arrow shall be provided on all figures.
   e. Additional shadow analysis may be required depending on the particular circumstances or physical characteristics of the project site, including its
solar orientation relative to public open spaces, pedestrian and street patterns, existing shadows in the area, historic resources, defined shadow impact areas, or other appropriate factors.

f. If location in relation to Boston Common or Public Garden dictates, analyses indicating any impacts (including potential draw from the 'shadow bank') or proving no impacts within the prescribed exclusion times shall be performed.

3. Daylight
a. Daylight analysis may be required for no-build, build, and as-of-right conditions (as well as examples from the broader context) and shall be conducted by measuring the percentage of skydome that is obstructed by the proposed project.
b. Daylight analysis, if required, shall be taken for each major building facade fronting public ways or passages.
c. The daylight analysis shall be conducted by use of the Boston Redevelopment Authority Daylight Analysis (“BRADA”) computer program.
d. The analysis shall treat three elements as controls for data comparison: 1) existing conditions; 2) the context of the area; and, 3) the as-of-right zoning envelope.

4. Solar Glare
a. Analysis of solar glare impact on potentially affected streets and public open spaces and pedestrian areas is required, if applicable, to determine the potential for visual impairment or discomfort due to reflective spot glare.
b. Analysis of the potential for solar heat buildup in any nearby buildings receiving reflective sunlight from the proposed project is required, if applicable.

5. Air Quality
a. An evaluation of the impact on local and regional air quality from a significant stationary source may be required.
b. A microscale analysis predicting localized carbon monoxide concentrations should be performed, including identification of any locations projected to exceed the National or Massachusetts Ambient Air Quality Standards for projects in which: 1) project traffic would impact intersections or roadway links currently operating at Level of Service ("LOS") D, E, or F or would cause LOS to decline to D, E, or F; 2) project traffic would increase traffic volumes on nearby roadways by 10% or more (unless the increase in traffic volume is less than 100 vehicles per hour); or, 3) the project will generate 3,000 or more new average daily trips on roadways providing access to a single location.
c. A mesoscale analysis predicting the change in regional emissions of volatile organic compounds ("VOCs") and nitrogen oxides ("NOx") should be performed for projects that generate more than 10,000 vehicle trips per day. The above analyses shall be conducted in accordance with the modeling protocols established by the Massachusetts Department of Environmental Protection ("DEP") and the U.S. Environmental Protection Agency ("EPA").
d. Emissions from any parking facility constructed as part of the project and from the project's heating and mechanical systems must be estimated. In addition, carbon monoxide monitors shall be installed in all enclosed...
parking facilities and a description of the proposed ventilation system must be provided.

e. Building/garage air intake and exhaust systems and specifications and an analysis of the impact of exhausts on pedestrians and any sensitive receptors must be identified and described.

f. Mitigation measures required to minimize or avoid any violation of state or federal ambient air quality standards must be described.

6. Water Quality and Resources
   a. The impacts of the proposed project on the water quality of Boston Harbor or other water bodies that could be affected by the proposed project must be evaluated, if applicable.
   b. The impacts of any in-water construction activities must be evaluated, if applicable, including dredging, pile driving, pile removal, pier reconstruction, seawall or shoreline stabilization and/or repair, and site de-watering and runoff.
   c. Study must be made of the potential increase in turbidity and impact on benthic organisms, fish, and other marine resources.
   d. Mitigation measures to reduce or eliminate impacts on water quality must be described.

7. Flood Hazard Zone/Wetlands
   a. Where appropriate, a determination must be made of whether or not a proposed project falls within a Federal Flood Hazard Zone or requires a Wetlands Permit.
   b. The impact of the proposed project on wetland resources must be evaluated, if applicable.
   c. Measures to minimize potential flood damage and to comply with city and federal flood hazard regulations and any Order of Conditions issued by the Boston Conservation Commission must be described, if applicable.

8. Stormwater Management (see also Infrastructure)
   a. Existing and future stormwater drainage from the project site must be described and quantified.
   b. Best Management Practices must be offered to prevent groundwater contamination and to promote the retention of stormwater discharges within the project site.
   c. Compliance with the Commonwealth's Stormwater Management Policy must be indicated, if applicable. Projects involving disturbances of land of one acre or more shall obtain a Stormwater National Pollution Discharge Elimination System ("NPDES") General Permit for Construction from the EPA and the DEP. If a permit is required, a stormwater pollution prevention plan shall be submitted to the BWSC and BRA (and DEP, if requested) prior to commencing construction.
   d. Measures to reduce Inflow/infiltration into the stormwater drainage system must be described, if applicable.

9. Noise
   a. Noise impacts from the proposed project must be analyzed, including rooftop mechanical equipment and other noise sources (e.g., emergency generators), and a determination made of compliance with City of Boston noise regulations and applicable state and federal regulations and guidelines.
   b. For residential projects, noise levels shall be evaluated to determine
conformance with the Interior Design Noise Level (not to exceed day-night average sound level of 45 decibels) established by the U.S. Department of Housing and Urban Development (24 CFR Part 51, Subpart B).

c. Mitigation measures to reduce excessive noise levels to acceptable limits must be described.
d. A post-construction noise monitoring program may be required to ensure predicted and modeled noise levels are consistent with all applicable City, State, and Federal noise criteria and regulations. Cooperation Agreements may require commitments to post-construction monitoring on a case-by-case basis.

10. Solid and Hazardous Wastes
a. Any known or potential hazardous wastes or contaminants on the project site must be described, together with a description of remediation measures to ensure their safe removal and disposal, pursuant to M.G.L., Chapter 21E, and the Massachusetts Contiguity Plan.
b. Any potential hazardous wastes to be generated by the proposed project must be identified (see also infrastructure).
c. The existence of underground storage tanks (“USTs”), and above ground storage tanks (“ASTs”) on the project site must be identified.
d. Potential waste generation must be estimated and plans for disposal indicated.
e. Measures to promote the reduction of waste generation and to promote recycling in compliance with the city’s recycling program must be described.

11. Groundwater
a. An engineering analysis of the impact of development on groundwater levels, surrounding structures, and wooden pile foundations must be performed.
b. An assessment of existing groundwater level conditions and an inventory of buildings that may be supported on wooden piles should be provided.
c. A description of measures to be used to ensure that groundwater levels will not be lowered during and after construction must be provided, including monitoring of groundwater levels, as applicable.
d. Mitigation measures must be described such as recharging or redrilling systems, as applicable.
e. The installation of permanent monitoring wells shall be required.
f. If monitoring wells are located on private property, permanent easements for access by the Boston Groundwater Trust (“BGT”), or its designated representative, shall be provided.
g. A mechanism for monthly reporting of monitoring well data to the BRA and BGT should be established.
h. If on-going pumping or dewatering is required, the metering of discharge should be conducted with oversight by the BWSC.
i. If the project is located within the Groundwater Conservation Overlay District an analysis demonstrating compliance with Article 32 of the Code must be performed.

12. Geotechnical
a. Existing subsoil conditions must be analyzed, including the potential for
ground movement and settlement during excavation, and the potential impact on adjacent and nearby buildings and infrastructure.

b. Foundation construction methodology, the amount and method of excavation, if applicable, and the need for any blasting and/or pile driving and the impact on adjacent buildings and infrastructure must be fully described.
c. As applicable, a Vibration Monitoring Plan shall be developed prior to commencing construction activities to ensure that impacts from project construction on adjacent buildings and infrastructure are avoided.
d. Mitigation measures to minimize and avoid damage to adjacent buildings and infrastructure must be described.
e. Consistent with the State building code, the earthquake potential in the project area shall be analyzed and a description of measures to be implemented to mitigate any adverse impacts from an earthquake event shall be provided.

13. Construction Impacts
   a. Potential dust generation and pollutant emissions from construction activities and equipment and measures to control these emissions must be identified.
   b. If asbestos-containing materials, lead paint, or other hazardous materials are identified during demolition, renovation, or removal of building materials, compliance with DEP, the Boston Public Health Commission, and ISD guidelines and requirements must be demonstrated.
   c. Potential noise generation from construction activities and equipment and measures to minimize increase in noise levels must be identified.
   d. Construction staging areas and construction worker parking must be described; measures to encourage car pooling and/or use of public transportation by construction workers must be identified.
   e. Construction schedule and hours of operation must be described.
   f. Asbestos abatement routes for construction trucks and estimate of anticipated volume of construction truck traffic must be described.
   g. Construction methodology and excavation, maintenance of groundwater levels, and measures to prevent any adverse impacts on adjacent buildings and infrastructure must be described.
   h. The method of demolition of any existing buildings on site must be identified, if applicable.
   i. Potential recycling of construction and demolition debris must be identified.
   j. Best Management Practices to control erosion and prevent the discharge of sediments and contaminated groundwater or stormwater runoff into the City’s drainage system must be offered.
   k. The impact of project construction on rodent populations must be identified and the proposed rodent control program must be described.
   l. Coordination of project construction with any other construction projects in the vicinity during the same construction time period should be described.

14. Wildlife Habitat/Natural Features
   a. Significant flora and fauna present at the project site must be identified, if applicable.
b. Any significant natural features and geologic conditions must be identified, if applicable

c. Mitigation measures to preserve and avoid damage to any significant natural features and resources must be described

C. **Urban Design** (See above for detailed submission scope)

D. **Sustainable Development/High Performance Green Buildings**

1. Analyze and document the project according to the [U.S. Green Building Council](https://www.usgbc.org) LEED building rating system. According to building type, follow the most appropriate LEED building rating system and document how the proposed project design and construction practices comply with the LEED Building Rating System and implied standards on a point by point basis. Following are the current LEED-NC v2.1 section headings, consult with the BRA and/or the U.S. Green Building Council for the most appropriate rating system and current standards. The BRA will update these standards consistent with the most current standards.

   a. Sustainable Sites (Erosion & Sedimentation, Site Selection, Development Density, Alternative Transportation, Brownfield Redevelopment Reduced Site Disturbance, Stormwater Management, Landscape & Exterior Design to Reduce Heat Islands, Light Pollution Reduction)


   d. Materials and Resources (Recycling, Building Reuse, Construction Waste Management, Resource Reuse, Recycled Content, Local/Regional Materials, Rapidly Renewable Materials, Certified Wood)


   f. Innovation and Design Process (Innovation in Design, LEED Accredited Professional)

Project registration and certification with the U.S. Green Building Council is strongly encouraged but not required. However, all projects must meet the minimum point requirements for certification under the U.S. Green Building Council standards and must submit the U.S. Green Building Council LEED Project Checklist/Scorecard and related documentation to the BRA for review. Projects registering with the U.S. Green Building Council for LEED certification are to copy the BRA on submission items including: LEED letter; LEED registration information; and, LEED Project Checklist/Scorecard and related documentation.

All cooperation agreements shall clearly state project commitments to the U.S.
Green Building Council LEED rating system standards as outlined above.

2. Participation in the EPA’s Energy Star/Green Lights program is required.

E. Infrastructure Systems Component

This section analyzes the impacts of a proposed project on the infrastructure systems of the City; total demand or contribution to the tributary area; comparison to available capacity; assurance of availability of all project needs without major infrastructure investments or, if upgrading is needed, mitigation proposed; impacts on existing or abandoned infrastructure artifacts; adequacy of infrastructure systems in the vicinity; and potential for consolidation or improvement of efficiency, especially in larger projects and PDAs or IMPs. The analysis should be organized system by system, and reference related discussions which may occur in response to other sections (i.e., drainage systems, innovative energy utilization).

1. Capacities
   a. Provide an evaluation of the proposed project’s impact on the capacity and adequacy of existing water, sewerage, energy (including gas and steam), and electrical communications (including telephone, fire alarm, computer, cable, etc.) utility systems, and the need reasonably attributable to the proposed project for additional systems facilities. Include all background (pipeline) proposed projects in the tributary area.

2. Upgrades
   a. Describe anticipated impacts due to any system upgrading or connection requiring a significant public or utility investment, creating a significant disruption in vehicular or pedestrian circulation, or affecting any public or neighborhood park or streetscape improvements, comprising an impact which must be mitigated.

3. Mitigation
   a. Describe proposed mitigation, if applicable.

4. Utility Systems and Water Quality
   a. Estimate water consumption and sewage generation from the proposed project and the basis for each estimate. Include separate calculations for air conditioning system make-up water.
   b. Describe the capacity and adequacy of water, drainage and sewer systems and evaluate the impacts of the proposed project on those systems.
   c. Identify measures to conserve resources, including any provisions for recycling.
   d. Describe the proposed project’s impacts on the water quality of Boston Harbor or other water bodies that could be affected by the project, if applicable.
   e. Describe mitigation measures to reduce or eliminate impacts on water quality.
   f. Describe impact of on-site storm drainage on water quality.
   g. Detail methods of protection proposed for infrastructure conduits and other artifacts, including BWSC sewer lines and water mains, during construction.
   h. Detail the energy source of the interior space heating; how obtained, and, if applicable, plans for reuse of condensate...
5. Energy Systems
   a. Describe energy requirements of the project and evaluation of project impacts on resources and supply
   b. Describe measures to conserve energy usage and consideration of the feasibility of including solar energy provisions or other on-site energy provisions
   c. Describe the location of transformer and other vaults required for electrical distribution or ventilation (must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced)

6. Other System
   a. Describe any other system (emergency systems, gas, steam, optic Fiber, cable, etc.) utilized or impacted by a proposed project
   b. Identify unique infrastructure issues which arise for specific sites (i.e., adjacency to MBTA structures or subsurface conduit easements)

F. Historic Resources
   1. Identify and describe historic resources (historic districts and properties) and archaeological resources located in the vicinity of the project site
   2. Evaluate the impacts of the proposed project on historic and archaeological resources, including, as applicable, wind and shadow impacts, visual impacts, and design impacts (scale, height, massing, materials, and other architectural elements)
   3. Describe measures to mitigate, minimize, or avoid any potential adverse impacts on any historic or archaeological resource

G. Site Plan
   (Required for any proposed project located in a Conservation Protection Subdistrict (“CPS”) or a Greenbelt Protection Overlay District (“GPOD”).)
   1. Provide a survey map prepared by a registered surveyor showing topography at two foot intervals including the location, caliper, and species of individual trees of 8-inch caliper or more and the location of significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities, and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines
   2. Provide photographs showing the location and condition of significant natural features
   3. Provide a proposed site plan showing the proposed project and the anticipated location of other planned projects within the CPS or GPOD, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected
   4. Provide a drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features
   5. Describe a proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the
performance of the maintenance program
6. Submit any other information relating to the site plan of the proposed project and the preservation and protection of its significant natural features as requested

H. Tidelands
(Required for any proposed project that requires a license under M.G.L. Chapter 91)
1. Provide documentation of the location of historic tidelands, including the historic high and low water marks
2. Identify the location of Commonwealth tidelands and private tidelands
3. Describe the tidelands licensing history of the project site
4. Document compliance with the standards and requirements of Chapter 91 and its implementing regulations or, if applicable, with an approved Municipal Harbor Plan
5. Demonstrate the consistency of the proposed project with waterfront plans and design standards
6. Determine compliance with the applicable policies of the Massachusetts Coastal Zone Management Plan
7. Document how the proposed project serves a public purpose and provides a greater public benefit than public detriment to the rights of the public in the tidelands
8. Evaluate the provision of public access to the tidelands and of any civic and/or cultural uses to be provided

In addition to the potential environmental impacts indicated above, the BRA will expect the following information from IMP submissions in order to better assess the social impacts of proposed development:

A. Institutional Mission and Objectives
1. Provide the institution's strategic plan, including long-term physical goals, academic/program goals, and other initiatives

B. Demographics
1. Provide details on the current and projected campus population (including undergraduates, graduates, faculty, staff, etc.)

C. Existing Property and Uses
1. Identify all institutionally owned tax-exempt and taxable properties (including acreage, gross building square footage, uses, heights, etc.)
2. Identify all institutionally leased properties (including square footage, uses, heights, etc.)
3. Identify real estate development projects that are proposed or under review (including square footage, uses, heights, zoning, parking, etc.)
4. Identify current and proposed housing (including on-campus and off-campus beds and apartments)

D. Workforce Development
1. Identify current workforce and projected needs
2. Identify number and percentage of Boston residents employed by neighborhood as well as position, salary, and education-level
3. Explain existing and proposed programs to train and employ Boston residents and Boston Public Schools students

E. Transportation
1. Identify campus population commuting data
2. Identify current and projected on- and off-campus parking spaces
3. Identify on-campus bike racks

F. Security Plan
1. Provide safety and security plan

G. Financials
1. Indicate annual operating budget
2. Indicate direct and indirect economic impact, including direct purchasing within the City of Boston
3. Provide details of PILOT and property tax payments
4. Indicate water and sewer payments
5. Indicate other City of Boston fees and permit payments

H. Community Benefits
1. Indicate existing or proposed programs which enhance the surrounding neighborhoods
2. Indicate positive benefits that mitigate the impacts of existing and proposed projects

V. RELOCATION INFORMATION
A. Applicant shall submit a statement concerning applicability to project of any Federal or State Relocation Regulations, and Citation of Regulations
B. If Chapter 121A, 121B, or Chapter 79A is applicable, then a statement is required that relocation information and relocation plan will be submitted under separate cover in accordance with Chapter 121A, 121B, or Chapter 79A requirements
C. For projects not covered by Federal or State programs containing relocation regulations, the following information is required:
1. Number of units in building(s) to be demolished or vacated
2. Number of occupied units, by type, per building
3. Tenure of occupants (owner/tenant/sub-tenant)
4. Name and address of each occupant (owner or prime tenant)
5. Information on size and monthly costs:
   a. Residential unit – number of rooms, bedrooms, and monthly rent, indicating included utilities
b. Non-residential – gross square feet of area, number of floors, including ground floors and monthly rent, indicating included utilities
6. Length of occupancy of current occupant in unit (and building if greater)
7. Estimate of the total number of small businesses
8. Number, if any, of minority households or businesses displaced
9. Net increase or decrease in number of units:
   a. Total number of housing units proposed
   b. Reduction in rent restricted units

VI. FINANCIAL INFORMATION

The BRA reserves the right to request financial projections for a proposed project if a proponent cites financial limitations for non-compliance with BRA modifications.
ZONING REVIEW GUIDELINES

BRA staff serve the Boston Zoning Commission ("Zoning Commission") and the Boston Board of Appeal ("ZBA") by providing review and recommendations of proposals or projects submitted to each entity. Zoning review is initiated by a request for a building or occupancy permit. If the application complies with relevant building and zoning codes as well as other City requirements, the ISD will issue a permit. If a proposed project does not comply with the Code, permission to deviate from the Code may be sought by an exception, variance, or conditional use permit from the ZBA after a formal letter of refusal is obtained from ISD.

Zoning Variances and Conditional Use Permits

In order to obtain a variance an applicant must demonstrate that special circumstances exist that make a property different from others in the district. Variances can be sought for such issues as use, height, density, floor area ratio ("FAR"), setback, and parking ratios. The Code also specifies certain uses that are conditional, as opposed to those which are specifically allowed or forbidden in a district. An applicant obtains a conditional use permit by demonstrating that a proposed use is suitable for its location and will not have a detrimental effect on the surrounding areas. Following BRA review and recommendation, the ZBA will hold a public hearing and approve or reject the zoning variance or conditional use permit application.

Special Zoning Designations

In Section 3-1A, the Code defines several categories of special purpose overlay districts. In these districts, the regulations specified for the base district apply, except when in conflict with the special regulations. Special zoning designations require an amendment to the Code by the Zoning Commission. Selected special zoning districts are:

Planned Development Areas: PDA designation may be obtained for a project on a site of at least one acre. To effectuate a PDA designation, the BRA must approve a PDA development plan or PDA master plan and the Zoning Commission must also approve the PDA development plan or PDA master plan and adopt a map amendment designating the development plan area as a map amendment.

Urban Renewal Subdistricts ("U" Districts): An urban renewal subdistrict designation is only allowed within an already approved urban renewal project area. It is available if the BRA is assured that the proposal's zoning map amendment conforms with the area's urban renewal plan and with the specific requirements outlined in the urban renewal plan.
CITY OF BOSTON/BRA POLICIES

BRA Policy on Mitigation

The mitigation of development impacts has been a part of the Boston Zoning Code since its beginnings. Article 50 requires the identification and mitigation of impacts of large-scale development as part of the development review process. In October 2000, Mayor Thomas M. Menino outlined the Impact Advisory Group (IAG) process in “An Order Relative to the Provision of Mitigation by Development Projects in Boston.” The Mayor further amended the process in April 2001, in “An Order Further Regulating the Provision of Mitigation by Development Projects in Boston” in order to increase the representation of local elected officials. These Orders, adopted by the BRA Board, create a comprehensive framework to clarify the role of the BRA, the City, the developer, and the community in the determination and mitigation of the impacts of development.

The IAG may contain up to fifteen (15) members, two (2) each nominated by the state senator, state representative, and district city councilor, and the remainder by appointment of the Mayor on the recommendation of residents, businesses, and community organizations as well as all-large city councilors. The IAG advises the BRA on impact and mitigation. IAGs offer BRA staff the chance to work closely with diverse members of the community to understand local concerns, needs, and opportunities. IAG members are invited to take part in the public agency scoping sessions called for in Article 50 of the Boston Zoning Code. The IAG is also encouraged to take part in community meetings that allow for public review and discussion of proposed projects. IAG members are offered the opportunity to review and comment on major submissions by a project proponent as well as the Cooperation Agreement between the developer and the BRA prior to its adoption by the BRA.

IAGs are an important ingredient of the BRA’s citizen participation program. The BRA encourages public input and involvement at every stage -- formal and informal -- of the development review process. While the BRA is responsible under state law and local ordinance for official review and approval of proposed projects in Boston, the ideas and concerns of the community are essential components of this evaluation. IAGs do not replace the role of the greater community in the development review process. The IAG is an overlay to the existing process that allows for greater understanding by the BRA of local concerns and greater public insight into the thinking of the BRA and other public agencies involved in the development review process.

BRA Inclusionary Development Demonstration Program

The City and Boston Redevelopment Authority have established an inclusionary development demonstration program in order to promote the production of affordable housing in Boston. Any proposed housing project that is 1) undertaken or financed by any agency of the City of Boston or the BRA or to be developed on property owned by the City of Boston or the BRA that includes 10 units or more, or 2) any housing project that includes 10 or more units of housing and requires zoning relief shall be subject to the inclusion of affordable units. In such projects, no less than a number equal to 15% of the market-rate units shall be made affordable to moderate-income (up to 80% of median income) and middle-income (between 80% and 120% of median income) household. The demonstration program provides the developer with three options.
1. **Affordable Housing Creation On-Site** - Of the affordable units, 50% of the units shall be affordable to households with incomes below 80% of median income. No more than 50% shall be affordable to households with incomes between 80% and 120% of median income, provided that on average these middle-income units are affordable to households earning 100% of median income.

2. **Affordable Housing Creation Off-Site** - Subject to the approval of the Director of the BRA, the developer may choose to create 15% of the total number of units off-site. Fifty percent (50%) of the off-site units shall be affordable to households earning below 80% of median income. The remaining 50% shall be affordable to households earning between 80% and 120% of median income, provided that on average these middle-income units are affordable to households earning 100% of median income.

3. **Cash-Out** - Subject to the approval of the Director of the BRA, the developer may propose to meet its affordable housing obligations by making a dollar contribution. This is calculated by multiplying the total number of units by 15% and the resulting number by an affordable housing cost factor, currently standing at $97,000. The affordable housing cost factor will be adjusted annually on July 1st.

**Fair Housing**

The Boston Fair Housing Commission ("BFHC") works to eliminate discrimination and increase access to housing in Boston through investigation and enforcement, affirmative marketing, housing counseling, and interagency coordination. The BFHC also manages a computerized listing service of regional housing opportunities in an effort to provide low-income households increased access to housing in 120 cities and towns of metropolitan Boston.

In order to increase access to housing for City of Boston residents, the BFHC administers the City's Affirmative Fair Housing Marketing Program ("Program"). The Program requires all developers of five or more units that utilize any form of public assistance (land or financial) to affirmatively market their housing units by taking extra steps to attract buyers and tenants least likely to apply because of the development's location. Additionally, any project subject to the BRA's inclusionary development policy will adhere to BFHC requirements. The goal is to foster fair housing and open housing access throughout the City and to attract an applicant pool that reflects the racial composition of the City as a whole.

Any developer subject to the Program must submit to the BFHC an Affirmative Fair Housing Marketing and Buyer/Tenant Selection Plan ("Plan"). The Plan must be submitted prior to execution of an Affordable Housing Agreement and within 30 days of receiving a tentative designation by the City or BRA or a preliminary financing commitment from the primary funding source.

**Boston Residents Jobs Policy**

Chapter 30 of the Ordinances of 1983 established a Boston Resident Jobs Policy. The 1983 ordinances require contractors performing work on construction projects funded in whole or in part by the city to ensure 50% Boston resident, 25% minority and 10% female participation of the total construction work-hours performed on the project.

A July 12, 1985 Executive Order extends the Resident Jobs Policy ordinance to cover privately

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financed construction projects in excess of 100,000 square feet (excluding housing developments). The Order includes the same hiring requirements and requests that each developer submit a detailed employment plan with provisions for monitoring, compliance, and sanctions. The submission of the Boston Residents Construction Employment Plan is required prior to the issuance of a building permit for the project. Developers are obligated to work with the BRA’s Office of Jobs and Community Services (“JCS”) to ensure that, once a project is completed, Boston residents have full access to any new employment opportunities. Working with JCS includes submitting information regarding anticipated job creation and the type of education and training required for the positions. All developers are expected to provide plans for maximizing the number of Boston residents in jobs with living wages and adequate benefits.
SELECTED BOARDS AND COMMISSIONS

It is the responsibility of the Proponent, working with the BRA review team, to keep the team informed of meetings with other agencies and Commissions and in particular to coordinate potentially overlapping areas of review/control so that reviews are conducted jointly to the extent possible, minimizing the chances of conflicting jurisdictional policies.

**Boston Redevelopment Authority Board**
The BRA is the planning and economic development agency of the City of Boston, as well as the urban renewal entity. The BRA Board serves as the planning board of the City of Boston. The BRA Board is responsible for overseeing the development review process and the implementation of the Code. Four members are appointed by the Mayor and one member is appointed by the Director of the Massachusetts Department of Housing and Community Development. The BRA Board generally meets every third week.

**Boston Board of Appeals**
The ZBA hears requests for relief from specific requirements of the Code. Appointed by the Mayor with the confirmation of the Boston City Council, the ZBA is composed of seven members. The ZBA meets on certain Tuesdays at 9:00am in Room 800 on the 8th floor of Boston City Hall.

**Boston Civic Design Commission**
Required by Article 28 of the Code, BCDC review considers the relationship of a proposed project to the public realm. Appointed by the Mayor, the BCDC is composed of eleven members, with meetings held on the first Tuesday of the month at 5:00pm in the BRA Board Room on the 9th floor of Boston City Hall. BCDC subcommittees meet during the times between official BCDC meetings to explore projects in greater detail and generate recommendations for the full BCDC.

**Boston Conservation Commission**
The Boston Conservation Commission ("BCC") protects and preserves open space and other natural areas of the City including wetlands. The BCC administers the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act, and the Conservation Commission Act. The BCC is comprised of seven Commissioners and an Executive Secretary appointed by the Mayor. The Commission administers the Commonwealth’s Wetlands Regulations by determining wetland boundaries, reviewing the permitting projects proposed in or near wetlands and defined buffer areas, and by placing conditions on development projects that affect wetlands. Waterway protections include ponds, rivers, and the tidal areas of Boston Harbor. The Commission also seeks appropriate public access to these resources.
Boston Groundwater Trust
The BGT was established in 1984 by City of Boston Ordinance, and as revised in 2005. The BGT's mission is to monitor groundwater levels in Boston and to make recommendations to raise, restore, or protect the water table in areas of the City with wood pilings or other potentially affected foundations. The BGT works with ISD and the BRA to understand and mitigate any negative impacts of development projects on ground water levels.

Boston Landmarks Commission
In 1975, state legislation (Chapter 772, M.G.L. 1675 as amended) created the Boston Landmarks Commission ("BLC") as Boston’s city-wide historic preservation agency. It performs many functions including identifying and preserving historic properties, reviewing development and demolition activities proposed in the city, providing public information and assistance on preservation practices, and providing staff support to local historic district commissions. The local commissions have specific powers of review; the three largest (in covered geographic area) are the Beacon Hill Architectural Commission, the Back Bay Architectural Commission, and the South End Landmark District Commission. The BLC also administers the City’s Demolition Delay process. Article 86 of the Code.

Boston Parks and Recreation Commission
The Boston Parks and Recreation Commission ("Parks Commission") has authority over and responsibility for public parklands in the City of Boston. Additionally, the Parks Commission has oversight of any proposed development or construction project within one hundred feet of parkland within Boston. The Parks Commission is composed of five members appointed by the Mayor and confirmed by the City Council.

Boston Public Improvement Commission ("PIC")
The PIC oversees City of Boston property including streets and sidewalks. PIC approval is necessary for temporary and permanent encroachment on the public way including access to streets and sidewalks and structural overhangs. Composed of five members representing City agencies, the PIC meets on certain Thursdays at 10:00am in Room 300 on the 6th floor of Boston City Hall.

Boston Zoning Commission
The Zoning Commission oversees the creation of the Code. Appointed by the Mayor with the confirmation of the Boston City Council, the Zoning Commission is composed of nine members. The Zoning Commission meets on certain Wednesdays at 9:00am in the BRA Board Room on the 6th floor of Boston City Hall.
FEES

Fees may apply to projects under review by the BRA, including zoning relief application fees, building permit fees, and certain BRA property sales or leases.
APPENDICES

Appendix 1: Massachusetts Environmental Policy Act Review
Appendix 3: Boston "Smart Model": Two-Dimensional Mapping Standards
Appendix 4: A Guide for the Preparation of Materials Samples Construction Detail Panels
Appendix 5: Protocol for Quantitative Pedestrian Level Wind Impact Analysis
Appendix 6: Sun Altitude/Azimuth Table
Appendix 1

MASSACHUSETTS ENVIRONMENTAL POLICY ACT REVIEW

The Massachusetts Environmental Policy Act ("MEPA") requires the review and evaluation of projects to identify and mitigate environmental impact. MEPA applies to projects directly undertaken by a state agency (including leases and transfers of property undertaken by an agency) and to privately-initiated projects requiring an agency permit or receiving financial assistance from an agency.

Regulations implementing MEPA were promulgated by the Executive Office of Environmental Affairs ("EOEA"). These regulations establish a process whereby an Environmental Notification Form ("ENF") must be filed with EOEA for public and agency review as the preliminary step in determining the need for an Environmental Impact Report ("EIR"). For activities or actions undertaken by an agency, the preparation of the ENF (and of the EIR, if subsequently required) is the responsibility of the agency itself. For private projects seeking state or BRA financial assistance or a permit (e.g., Chapter 91 license), the project proponent is responsible for preparing the required documents.

In addition to describing the environmental review process, the MEPA regulations also establish review thresholds which specify whether MEPA review shall consist of an ENF and a mandatory EIR or of an ENF and other MEPA review if so required. Specific rules of application are included in the regulations.

The public agency review period for an ENF is 20 days following publication of an ENF’s notice of submission and availability in EOEA’s Environmental Monitor. Notices are published twice monthly, on approximately the 7th and the 21st of the month. The Secretary of Environmental Affairs then has 10 days in which to issue a certificate stating whether or not an EIR is required.

If an EIR is required, the normal EIR process from beginning of the preparation of the EIR to final approval takes five to six months and considerably longer for major and complicated projects.

Article 80, Section 80-6 of the Code provides for a coordinated review and the submission of a single set of documents to satisfy the requirements of both MEPA and Article 80.
Appendix 2

The following four charts illustrate the Large Project Review Process:

**Step 1. Project Notification from (PNF) and Scoping Determination**

- Developer files PNF. Notice of PNF published within 1 day.
- Public comment period runs for 30 days after notice published. • Community Meeting. • Scoping Session including AG.
- Developer issues Scoping Determination within 45 days after PNF filed.

The Scoping Determination may require further review and require mitigation commitments if the SHR Board finds that the PNF and Public Comments provide inadequate information about the project's impacts.

**Step 2. Draft Project Impact Report (DPIR) and Preliminary Adequacy Determination (PAD)**

- Applicant files DIPR in response to Scoping Determination, Notice of DIPR published within 5 days.
- Public comment period runs for 30, 45 or 75 days after DIPR filed, depending on project size and location.
- SHR issues PAD within 45, 60 or 90 days after DIPR filed, depending on project size and location.

The SHR may require further review and mitigation commitments if the SHR Board finds that the DPIR and Public Comments provide inadequate information about the project's impacts.

**Step 3. Final Project Impact Report (FPIR) and Adequacy Determination**

- Applicant files FPIR in response to PAD. Notice of FPIR published within 5 days.
- Public comment period runs for 30, 45 or 75 days after FPIR filed, depending on project size and location.
- SHR Board holds public meeting and votes on Adequacy Determination within 60, 90 or 120 days after FPIR filed, depending on project size and location.

If the Adequacy Determination disappproves the FPIR, the applicant may submit a revised FPIR for review. The revised FPIR resolves the same issues as the original FPIR.

**Step 4. Certification and Implementation**

- Cooperation Agreement
- SHR Design Review
- Certification of Compliance Permitting Project Construction
- Permitting and Project Construction
The following flowchart illustrates the PDA Review process:

**Step 1. BIRA Approval**
- Applicant files a PDA Development Plan with BIRA, together with fact sheet and map of PDA area. Notice published within 6 days.
- Public comment period runs for 68 days after Development Plan is filed.
- Within 60 days after Development Plan is filed, BIRA Board holds hearing and votes on Development Plan (and Zoning Map Amendment, if establishing a new PDA).

**Step 2. Zoning Commission Approval**
- BIRA petitions Zoning Commission for approval of Development Plan (and Map Amendment, if applicable).
- Zoning Commission publishes notice of hearing at least 20 days before hearing.
- Zoning Commission holds hearing and votes on Development Plan and Map Amendment. If approved, Development Plan and Map Amendment go to Mayor for approval.

*Provisions for Zoning Commission hearings and actions are part of PDA review under Article 30 but appear in the Section Zoning Enabling Act (Chapter 80) of the Acts of 1990, included in the form of Article 1 of the Zoning Law, with statements for Zoning Commission.*
Where an Institutional Master Plan is required, adding or changing a hospital or college project requires an amendment to an approved Institutional Master Plan. This procedure for amending the plan is the same as the procedure for amending the ICP, as shown below.

**Step 1. Institutional Master Plan Notification Form (IMPNF) and scoping determination**

- Applicant files IMPNF with BRA.
- Notice of IMPNF published within 5 days.
- Public comment period runs for 30 days after notice is published.
- BRA issues Scoping Determination within 45 days after IMPNF is filed.

**Step 2. Institutional Master Plan Adequacy Determination**

- Applicant files Institutional Master Plan with BRA in response to Scoping Determination. Notice of plan published within 5 days.
- Public comment period runs for 30 days after notice is published.
- BRA Board holds public hearing and votes on adequacy determination within 90 days after Institutional Master Plan is filed.

If the Adequacy Determination does not approve the Institutional Master Plan, the institution may submit a revised Master Plan for review. The revised Master Plan will go through the same process as the original Master Plan.

**Step 3. Zoning Commission Approval**

- BRA petitions Zoning Commission for approval of Institutional Master Plan.
- Zoning Commission publishes Notice of Hearing at least 20 days before hearing.
- Zoning Commission holds hearing and votes on Institutional Master Plan. If approved, Institutional Master Plan goes to Mayor for approval.

Regulations for Zoning Commission Hearings are not part of the BRA-issued subordinating Master Plan, but appear in Section 500 of the Boston Zoning Code, which establishes the Zoning Commission.

The following flow chart illustrates the Small Project Review:

- Applicant files application with BRA for Small Project Review.
- BRA Urban Design Department reviews application for consistency with Zoning Code's design guidelines, and sends review to Environmental Department, which issues 45 days to submit comments to BRA.
- If project requires site plan review, BRA sends copy of application to Environmental Department, which issues 45 days to submit comments to BRA.
- BRA Director certifies BRA's finding to ISO through stamp on plans (within 45 days of Site Plan Review).
Appendix 3

Boston “Smart Model”
Two-Dimensional Mapping Standards

Version 0.1:
November 22, 2005

Boston Redevelopment Authority
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1) Introduction

The purpose of this document is to serve as the specification for 2-dimensional mapping data of projects submitted to the Boston Redevelopment Authority (BRA). The guidelines are intended to ensure the successful capture and use of relevant information from different proposals to aid the maintenance of planimetric mapping files.

Questions and comments should be addressed to
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2) Context Model

Boston Mapping Base
The BRA will provide a section of its mapping base to developers as soon as possible after the submission of a Project Notification Form. The source of the city's base is the Boston Water and Sewer Commission's 1995 survey. The data were captured for 1:1200 mapping which means the spatial accuracy is better than 2.5 feet. The developers should use this context data to address the proposed building's relationship to the urban context. Developers are expected to submit their proposal according to the specifications described in this document, in the same coordinate system as the context model, and with ancillary information of adjacent streets and buildings that is gathered in the course of the design process.

Updating Context Model
The model supplied by the BRA will include the city's building footprints, street edges, back-of-sidewalks, and contour lines at two-foot intervals, and parcel outlines. The latter are supplied only as contextual information and should not be edited by the architect or developer. The project proponent need not upgrade the base model provided by the BRA with one exception. Where the existing base has errors within two blocks of the site, usually because a recently built building hasn't yet been added to the base, the developer should provide the BRA with the missing buildings or recent street reconfigurations to fill out the two-block area around the site. The exact context model area will be determined in the scoping session.

3) Map Layer Production:

A. File Setup and Format:
The BRA will provide a design template in the form of dwg, shp, and mid/mif files of the layer mentioned above. The developers can develop their plans in any application (GIS, CAD or 3D) but must adhere to the coordinate standard when designs are submitted.

Electronic File Format
All files that are created in CAD applications or 3D applications must eventually be submitted in dwg, shp, or mid/mif format.

Coordinate System and Units
All BRA-provided data will be supplied using the Massachusetts State Plane Coordinate System, with a 1983 North American datum. The units will be feet, and the designs must be submitted in the same projection, coordinate system, with feet as the unit.

External Reference Files
The BRA will not accept the submission of any file that contains references to external source drawing files. All externally referenced data during the production phase should be inserted within a single, self-contained, file prior to the delivery to the BRA.

B. File Name and Submission
File Naming
Each layer submitted to the BRA should be saved as a separate file. The naming convention will be as follows: _filename_parcelID_layer_, where

- _filename_ represents the drawing author or firm
- _parcelID_ is the Assessing parcel ID (as indicated by the BRA at scoping session)
- _layer_ is the type of information depicted: either building, street edge, contours, or sidewalk.

Context Model
Updated information on existing conditions should be submitted as separate files from the building proposal. The format can be in .drg or .shp or .mxd/.mif format. Files should follow the _filename_parcelID_layer_ convention and be inserted in a directory called context_update.

Proposed Site Model
The proposed building file should include only the simplified outer wall of the building at grade. Roof decks over garages will therefore be indicated as part of the building if some part of the garage is at grade.

Please use the following name: _filename_parcelID_building_.

C. Layering of Proposed Development
The BRA's data model is based on what was developed by the Boston Water and Sewer Commission with the exception of the parcels, which are from the City of Boston Assessing Department. The layers should have the following qualities and will be of two types: planimetric, or 2-dimensional, and massing, or 3-dimensional.

- **Planimetric**
  - streets, edges, sidewalks, and contours will be polylines.

  If roads and sidewalks are proposed to be realigned, _street edge_ and _sidewalks_ will contain that information. The contour lines should be attributed with their elevation, as are the files of the provided base map. The submission of ancillary layers, such as the site's furniture, groundwater, or landscaping is encouraged.

- **Massing**
  - building will be polygons, or closed polylines.

  The volume of the different parts of the proposed buildings should be expressed by attaching the building height of each section of the building in stories and in feet above ground.

Blocks/Groups
There are no particular guidelines or limitations on the use of block definitions or grouping definitions. It is highly recommended that developers use block/groups to organize similar
geometries as long as they are placed within appropriate layers. Developers/architects are free to develop their naming standards within these layers. It is however recommended that objects be named using a logical naming system.

Shading and Textures
The shading of geometries in Representation Level 1 – 3 should be in solid colors as described above, clean of texture maps or procedural textures.
Appendix 4

A GUIDE FOR THE PREPARATION OF MATERIALS SAMPLES
CONSTRUCTION DETAIL PANELS

As part of the Boston Redevelopment Authority’s Design Review Procedures, all major building
envelope, lobby, and site landscaping or paving materials must be submitted for approval, and a
full-size Materials Sample Panel ('Mock-up Panel') is required. Construction Inspection stage
approval is contingent on Authority review and approval of on-site materials panels that
demonstrate the construction details of the project.

Materials panels shall demonstrate all exterior material selections, including variations in
color, finish, and source.

Detailing of dimensional profiles of all exterior trim including: cornices, belting,
contrasting, banding, soffit treatment, jambs, returns, copings, and all window walls
including frames, subdivisions, and jamb, head, and sill details, shall be presented.

Brick and all facing material (granite, cast stone, marble, terra cotta, metal, glass, etc) sample panels shall include joint details, patterning out of the norm or as requested, and
masonry (or other material) jamb, head, and sill details.

Where mortar or grouting is used, panels shall show intended tooling, finish and color.
Specifications shall be furnished for any such material used in a preservation-related
project.

Where adhesive or caulking agents are used, panels shall show intended tooling, finish,
color, and spacing between contiguous materials, and manufacturer specifications shall
be furnished.

In the case of windows, or replacement/rehabilitation/repair projects, or where the
abutting context is deemed significant and is immediate, assemblies shall be presented
in situ or against areas of the existing details/materials which they are intended to match
or complement.

All such material panels shall be presented in an assembly large enough to assess the finished
construction’s façade color, texture, patterning, and joint details, in a manner representing
actual designed combinations and proportions of fields. The ideal placement is on site, in the
orientation of the primary façade. Mock-ups should ideally be seen under a number of
conditions (sun and shade, wet and dry).
Appendix 5

PROTOCOL FOR QUANTITATIVE PEDESTRIAN LEVEL WIND IMPACT ANALYSIS

The wind impact analysis shall evaluate the following conditions:

1. **No-Build** - the existing condition of the site and environs to establish the baseline condition.

2. **Future Preferred Build Condition** - the proposed development as described in the Project Notification Form.

3. **Alternative Build Condition(s)** - any alternative development concept(s) to the Preferred Build Condition required to be studied.

The wind tunnel testing shall be conducted in accordance with the following guidelines and criteria:

- **Data shall be presented for both the existing (no-build) and for the future build scenario(s) (see above).**

- The analysis shall include the mean velocity exceeded 1% of the time and the effective gust velocity exceeded 1% of the time. The effective gust velocity shall be computed as the hourly average velocity plus 1.5 x root mean square variation about the average. An alternative velocity analysis (e.g., equivalent average) may be presented with the approval of the Authority.

- **Wind direction shall include the sixteen compass points. Data shall include the percent or probability of occurrence from each direction on seasonal and annual bases.**

- Results of the wind tunnel testing shall be presented in miles per hour (mph).

- **Velocities shall be measured at a scale equivalent to an average height of 4.5-5 feet.**

- The model scale shall be such that it matches the simulated earth's boundary and shall include all buildings within at least 1,600 feet of the project site. All buildings taller than 25 stories and within 2,400 feet of the project site should be placed at the appropriate location upstream of the project site during the test. The model shall include all buildings recently completed, under construction, and planned within 1,500-2,000 feet of the project site, including the proposed 500 Atlantic Avenue project. Prior to testing, the model shall be reviewed by the Authority. Photographs of the area model shall be included in the written report.
• The written report shall include an analysis which compares mean and effective gust velocities on annual and seasonal bases, for no-build and build conditions, and shall provide a descriptive analysis of the wind environment and impacts for each sensor point, including such items as the source of the winds, direction, seasonal variations, etc., as applicable. The report shall also include an analysis of the suitability of the locations for various activities (e.g., walking, sitting, standing, etc.) as appropriate, in accordance with recognized criteria (Melbourne comfort categories, or equivalent).

• The report also shall include a description of the testing methodology and the model, and a description of the procedure used to calculate the wind velocities (including data reduction and wind climate data). Detailed technical information and data may be included in a technical appendix but should be summarized in the main report.

• The pedestrian level wind impact analysis report shall include, at a minimum, the following maps and tables:
  - Maps indicating the location of the wind impact sensors, for the existing (no-build) condition and future build scenario(s).
  - Maps indicating mean and effective gust wind speeds at each sensor location, for the existing (no-build) condition and each future build scenario, on an annual basis and seasonally. Dangerous and unacceptable locations shall be highlighted.
  - Maps indicating the suitability of each sensor location for various pedestrian-related activities (comfort categories), for the existing (no-build) condition and each future build scenario, on an annual basis and seasonally. To facilitate comparison, comfort categories may be distinguished through color coding or other appropriate means. In any case, dangerous and unacceptable conditions shall be highlighted.
  - Tables indicating mean and effective gust wind speeds and the comfort category at each sensor location, for the existing (no build) condition and for each future build scenario, on an annual basis and seasonally.
  - Tables indicating the percentage of wind from each of the sixteen compass points at each sensor location, for the existing (no-build) condition and for each future build scenario, on an annual basis and seasonally.
SUN ALTITUDE/AZIMUTH TABLE

Boston, Massachusetts

Latitude: N42.36   Longitude: W71.06

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<th>Azimuth</th>
<th>Time</th>
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<td>125.7</td>
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</tr>
<tr>
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<tr>
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<td>23.9</td>
<td>-79.3</td>
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<td>115.3</td>
<td>Daylight Savings</td>
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<tr>
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<td>166.0</td>
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<td>-132.9</td>
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</tr>
<tr>
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<td>-96.0</td>
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</tr>
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</table>

21 December

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<td>Standard</td>
</tr>
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<td></td>
</tr>
<tr>
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<td>-135.1</td>
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</tr>
</tbody>
</table>

Source: Autocad/MassGIS
Appendix C: Survey for Developers

Survey for Developers:
The regulatory processes and procedures for real estate development at the County level

Development Project Name: ___________________________ County Name & State: __________________
Approximate date of development project completion: ___________________ From: _________ To: _________

Check the appropriate box for the corresponding question:

1. Prior to initiating this project, were you provided guidelines for the following by the County regulatory body or were guidelines available to you on the County website?

Zoning Descriptions, Variance, Special Use, Subdivision and other zoning related processes
- What is allowed under each zoning designation of the code and what you have to do to complete the variance, special use or subdivision processes

Planning Guidelines
- County’s planning purpose, vision, goals and objectives for development

Public Works (Electricity, Water, Sewer, etc)
- Procedures for dealing with public works and other providers

Transportation
- Procedures for dealing with the transportation department (if your development would severely impact local traffic and transportation systems)

YES NO NA DON’T KNOW
□ □ □ □
□ □ □ □
□ □ □ □
□ □ □ □

2. Having completed the entitlement and regulatory processes (for all aspects mentioned above), do you think these guidelines, provided by the County were fair? (If the guidelines were not fair then they were too restrictive and made you not want to pursue development in this location...)

<table>
<thead>
<tr>
<th>Zoning Descriptions, Variance, etc processes</th>
<th>FAIR</th>
<th>SOMEWHAT FAIR</th>
<th>SOMEWHAT UNFAIR</th>
<th>NOT FAIR</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Guidelines</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Transportation</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

If you answered “3: ALMOST UNFAIR” or “4: NOT FAIR” to any item in question 2, please explain:
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________

32 Because of the complicated nature of and vast of law on environmental regulation, I am not including it in my research of development regulation.
33 By “fair”, I am implying that the guidelines were generally acceptable to developers for development and helped developers navigate through the regulatory process in this County.
3. Were the guidelines accurate? If you followed them exactly, did you achieve the result you expected to achieve?

<table>
<thead>
<tr>
<th>Process</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Transportation</td>
<td>☐</td>
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</tr>
</tbody>
</table>

If you answered “NO” to any item in question 3, please explain:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

4. Did it take longer than you originally anticipated to complete the regulatory processes (listed earlier) to get your permits to commence this development?  YES  NO

If you answered “YES”:
You expected it to take approximately ______ months and it took approximately________ months.

If “YES”, why did it take more time? Please explain:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

5. In your opinion, do the following items help or hinder a developer succeed in the regulatory processes in this County?

<table>
<thead>
<tr>
<th>Item</th>
<th>REALLY HELPS</th>
<th>MIGHT HELP</th>
<th>NEUTRAL</th>
<th>MIGHT HINDER</th>
<th>HINDER</th>
<th>DON’T KNOW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous development experience in this State:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Previous development experience in this County:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Previous development experience with projects</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>this size (acreage):</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Familiarity with County Board or personnel:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>Previous interaction with County Board or personnel:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

Other, Please explain:______________________________
________________________________________________________________________________________
________________________________________________________________________________________
6. If you were to undertake this development project today, would you do anything differently to complete the regulatory processes?  

   YES   NO
   □     □

If you answered “YES” to question 6, please explain:

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Thank you for your time and help!

If you have any additional thoughts or comments on these questions or topics as they relate to your development experience in this County, please feel free to write below.

If you have questions and/or comments about this survey and the use of the data, please feel free to contact me: Barrett Yates, 917-930-4169 or BYATES@MIT.EDU
Appendix D: Survey for County Officials

Survey for County Official:
The regulatory processes and procedures for real estate development at the County level

County Official Title(s): ________________________________  County Name & State: __________________

Check the appropriate box for the corresponding question:

1. Does your County regulatory body publish guidelines on the following items?

<table>
<thead>
<tr>
<th>Item</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
<th>DON’T KNOW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, Special Use,</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Subdivision and other zoning related processes</td>
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<td></td>
</tr>
<tr>
<td>-What is allowed under each zoning designation</td>
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<tr>
<td>of the code and what has to be done to complete</td>
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<tr>
<td>the variance, special use or subdivision processes</td>
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</tr>
<tr>
<td>Planning Guidelines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-County’s planning purpose, vision, goals and objectives</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>for development</td>
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<td></td>
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<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
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<td></td>
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<tr>
<td>-Procedures for dealing with public works and other providers</td>
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<td>Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Procedures for dealing with the transportation department</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(if the development severely impacts local traffic and transportation systems)</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you answered “NO” to any item in question 1, has your County considered publishing guidelines?

Please explain: __________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

2. If you do publish guidelines, how are these guidelines made available to developers?

<table>
<thead>
<tr>
<th>Item</th>
<th>WEBSITE</th>
<th>Publicly available in County Office</th>
<th>Need to request from County Official</th>
<th>Other</th>
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</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Guidelines</td>
<td></td>
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<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
<td></td>
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<tr>
<td>Transportation</td>
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</tr>
</tbody>
</table>

If you answered “OTHER” to any item in question 2, please explain:
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

34 Because of the complicated nature of and vast of law on environmental regulation, I am not including it in my research of development regulation.
3. Do these guidelines provide developers with clear and appropriate expectations for the regulatory processes and procedures in your County?  

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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</thead>
<tbody>
<tr>
<td>Zoning Descriptions, Variance, etc processes</td>
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<tr>
<td>Public Works (Electricity, Water, Sewer, etc)</td>
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<tr>
<td>Transportation</td>
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</table>

If you answered “NO” to any item in question 3, please explain:____________________________________
__________________________________________________________
__________________________________________________________

4. If developers follow these guidelines, do they generally succeed in completing the regulatory processes and procedures?  

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<tr>
<th></th>
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<tbody>
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<tr>
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<tr>
<td>Transportation</td>
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If you answered “NO” to any item in question 4, please explain:____________________________________
__________________________________________________________
__________________________________________________________

5. If you were re-writing these guidelines today, would you change anything?  

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<th>NA</th>
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<td>Planning Guidelines</td>
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<tr>
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<td>□</td>
</tr>
<tr>
<td>Transportation</td>
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</tr>
</tbody>
</table>

If you answered “YES” to any item in question 5, please explain:____________________________________
__________________________________________________________
__________________________________________________________

6. If a developer approached you about developing in your County today, what advice would you give him/her about completing the regulatory processes and procedures?

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Thank you for your time and help!  
If you have any additional thoughts or comments on these questions or topics please feel free to write them on the back of this survey or on a separate sheet of paper.

If you have questions and/or comments about this survey and the use of the data, please feel free to contact me: Barrett Yates, 917-930-4169 or BYATES@MIT.EDU