

Facing criticism, BPDA punts decision on downtown height limits to 2024

A 400-foot limit included for a sliver of downtown Boston in a draft version of the plan has spurred claims that the agency is engaging in "spot zoning" favoring certain developers.

By Greg Ryan

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The Boston Planning and Development Agency will put off a decision on controversial new rules for building heights downtown until next year, while still teeing up a planning initiative for the neighborhood for a December board vote, officials revealed Wednesday.

The agency began working on a planning overhaul for downtown in 2018, but paused that process when Covid-19 hit. Mayor Michelle Wu [revived the initiative last year](#) as part of an effort to rethink and revitalize the neighborhood in the wake of the pandemic. The administration has signaled in recent months that it wants to finish downtown planning by year's end.

In draft versions of the new planning for downtown, the most debated proposal has proven to be a 400-foot height limit in one sliver of the neighborhood: the western side of Washington Street stretching from Bromfield Street to Court Street. That area includes the Bromfield site where Midwood Investment & Development [wants to put a 23-story office building](#), as well as the Pi Alley Garage, where the property's owners are interested in putting a mixed-use tower.

The Boston Preservation Alliance and others have accused the BPDA of "spot zoning" to allow for those two projects while keeping much lower height limits in the rest of the "Ladder Blocks" between Washington and Tremont Street. Midwood's office proposal has faced criticism for not only clashing with the historic buildings surrounding the property, but for adding more office space in a neighborhood seeing historically high vacancy levels post-Covid.

BPDA officials announced an unusual step during a public meeting Wednesday night: The agency will not include zoning heights in the planning report going to the BPDA board next month, but instead finalize those heights separately later.

The new timeline for downtown Boston building heights

The [draft planning report for downtown](#), published in August, includes height limits. However, the final version to be released Nov. 17 will contain “more of the overall zoning considerations and goals that will help frame those future zoning phases,” BPDA senior planner Andrew Nahmias said. The planning initiative also includes a development framework and recommendations related to open space, transit and climate resilience.

Following the December board vote on the final report, the BPDA will take a phased approach to zoning, officials disclosed. Starting in January, the agency will take on allowed uses of real estate downtown, particularly ground-floor space. In the spring, it will look at Chinatown zoning and heights for downtown residential buildings.

“That’s when we’ll begin to define more clearly a zoning height map that includes height numbers related to the different areas in downtown,” Nahmias said.

Then starting in the summer, the BPDA will tackle a “density bonus” allowing for developers to build taller if they meet certain criteria, as part of broader reforms to the agency’s Article 80 approval process for development projects. That means height rules for mixed-use projects downtown may not be finalized until the second half of 2024, at the earliest.

Response to the new timeline

Critics of the proposed height limits largely welcomed the new timeline.

“It’s difficult to support a plan without understanding the full scope, but I do think we have to spend more time on each of the components,” Boston Preservation Alliance executive director Alison Frazee told the Business Journal.

BPDA director Arthur Jemison did not present Wednesday, but in a public meeting in September, he defended allowing for taller buildings in that part of the Washington Street corridor, noting the existing towers there like Millennium Tower and its proximity

to several MBTA lines. He denied the planning was crafted around any specific development proposals.

The new timeline stands to further delay the already-lengthy review for the Midwood project. The New York-based developer first proposed a residential tower at the corner of Bromfield and Washington streets in 2008, before instead floating the office tower in March 2020 after facing resistance. It has continued to advance the proposal before the BPDA.

The BPDA could approve the office tower before the downtown zoning is complete, though Wu has said she wants to usher in planning-led development. In Charlestown, the agency's board did not vote on two major development projects in the neighborhood until the same meeting it [approved a planning initiative for Charlestown](#) that included height guidelines.

Asked by a resident about the Midwood project on Wednesday, Nahmias said "while we don't have proposed heights as part of the plan, we are making it clear that the goal is to focus on residential development in the downtown area at this time."

He continued: "In terms of height guidance, current zoning will remain the same. Projects can choose to pursue variances as they've done in the past."

The family group who owns the Pi Alley parking garage at 275 Washington St. has not put forward a formal proposal for its property, though a representative said in a letter to the BPDA about the downtown planning initiative that it has actively considered redeveloping the site for a mixed-use tower. The letter contended that a 400-foot limit was too short, as it would make a redevelopment infeasible.