

TEXT AMENDMENT NO. 462

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

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

1. Delete **Article 28** and replace with the following:

**ARTICLE 28**

**BOSTON CIVIC DESIGN COMMISSION**

**SECTION 28-1. Purpose**

The purpose of this article is to establish the Boston Civic Design Commission ("Design Commission"), an advisory body composed of individuals with a demonstrated expertise in urban design, architecture, landscape architecture, historic preservation, arts, engineering, or urban planning. As an integral part of the city's ongoing efforts both to make the city a more attractive place to live, work, and play, and to attain growth which strengthens the economic, social, cultural, and visual connections between downtown Boston and the city's neighborhoods, the Design Commission will focus on the part of this effort that requires working with the public and with city officials in an open process to make recommendations to the BRA and to protect and enhance the public realm. Particular

importance will be given to the integrity of those buildings, structures, open spaces, area, parks, and monuments that contribute to Boston's distinctive character and human scale.

## **SECTION 28-2. Establishment**

This article establishes the Boston Civic Design Commission.

## **SECTION 28-3. Definitions**

For the purposes of this article, the following definitions shall apply:

**BRA Recommendation.** Recommendation to the BCDC by BRA staff to review a project. Standards for such recommendations shall be determined by BRA staff and supported by the City of Boston's urban design guidelines.

**Large-Scale Development Projects.** Any development, whether commercial, residential, or other, in the City of Boston in which it is proposed: to erect a building or structure having a gross floor area in excess of one hundred thousand (100,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than one hundred thousand (100,000) square feet; or to substantially rehabilitate a building or structure having, or to have, after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

**Projects of Special Significance.** Any development in the City of Boston in which it is proposed to erect, alter, demolish, move, or enlarge a building, structure or open space which is determined by the BRA Staff to be of special urban design significance to the City of Boston. Projects of special significance shall include projects that are:

- (1) In visual proximity to and within five hundred feet (500'); of an architectural district established by the Boston Landmarks Commission or by State legislation; or a National Register District; or
- (2) Visually prominent from a significant open space area or from a significant public right-of-way; or
- (3) Located in areas of special historic interest, as established by the Boston Redevelopment Authority; or
- (4) Situated in such a way as to have a significant impact on the visual quality of the surrounding area.

- (5) A site over 1 Acre.

Civic Projects. Any project in the City of Boston in which it is proposed to create, erect, alter, demolish, move, or enlarge any park or open space, civic or cultural center, or monument which is determined by a majority vote of the Design Commission to be of importance to the character or urban design of the City of Boston.

#### SECTION 28-4. **Scope of Jurisdiction**

The Design Commission has the authority to review Large-Scale Development Projects, Projects of Special Significance, Civic Projects, as defined in Section 28-4 above, which are subject to the Boston Redevelopment Authority's planning authority. In all cases, the projects reviewed by the Design Commission shall be reviewed for the purposes stated in Section 28-2 on the basis of criteria referenced in Section 28-14A.

#### SECTION 28-5. **Composition**

There shall be fifteen members of the Design Commission, thirteen of which shall be appointed by the Mayor. Members shall have a demonstrated interest in the design of the City of Boston; at least nine members shall be professionals in the fields of architecture, landscape architecture, urban design, urban planning, natural resource management, sustainable building practices, engineering, financing, construction, or land development. At least one of the members of the Design Commission shall have expertise in historic preservation or architectural history. The mayor shall strive to appoint individuals who reflect the ethnic, racial, and socioeconomic diversity of the city of Boston. No more than three members may be appointed from any one of these areas of expertise. At the discretion of the Mayor a youth member may be appointed as a member of the Design Commission for a term of one year.

The Director of Planning and the Deputy Chief of Urban Design, or their successors, shall serve on the commission in a non-vote of recommendation capacity, ex officio and without additional compensation.

#### SECTION 28-6. **Nominations**

The Mayor shall seek nominations for membership on the Design Commission from a wide range of community, civic, and professional organizations and individuals.



#### SECTION 28-7. **Terms of Office**

Commission members shall serve a term of three years. To stagger terms, five of the members shall serve a five-year term, four a two-year term, and the remaining four a three-year term. No more than 1/3 of the Commission shall be replaced at one time. As the term of any Commission member initially appointed, or of any subsequent Commission member, expires, his successor shall be appointed for a term of three years by the Mayor. Members shall serve until their successors are duly appointed. Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term. Members shall serve for no more than two consecutive terms.

#### SECTION 28-8. **Removal**

The Mayor may remove a member for just cause. Reasons for just cause shall include but not be limited to a pattern of nonattendance, noncompliance with procedures established under Section 28-14, failure to disclose conflicts of interest, incapacity due to illness, or conviction of a crime. The Mayor's determination that just cause for removal exists shall be conclusive.

#### SECTION 28-9. **Compensation**

The Mayor shall determine whether or not Design Commission members shall be compensated and the amount and timing of such compensation.

#### SECTION 28-10. **Selection of Chairperson**

The Chairperson and Vice-Chairperson of the Design Commission shall be appointed by the Mayor and shall serve terms of three years.

#### SECTION 28-11. **Staffing**

The Boston Redevelopment Authority shall staff the Design Commission with Boston Redevelopment Authority personnel in a manner consistent with the Commission's mission and purpose.

#### SECTION 28-12. **Advisory Recommendations**

The Design Commission may make advisory recommendations to the Mayor and the Boston Redevelopment Authority including the need for modification. Review timeline shall

be coordinated with the Article 80 process. If and when submitted, recommendations shall be in the form of the meeting minute presented to the Mayor and Boston Redevelopment Authority.

A. Basis for Advisory Recommendations. Advisory recommendations shall be made on the basis of established urban design principles and practices, and where the Boston Redevelopment Authority deems it appropriate and applicable, recommendations shall be made on the basis of design criteria established by the Boston Planning and Development Agency, either in its planning reports and studies or in specific requests for proposals (i.e., competitions).

B. Method. Advisory recommendations shall be reached through discussion among the members at the public meeting. Unanimity is not required for a recommendation to be made. Members will vote on a simple majority basis (of non-recused members present in the meeting) to make specific recommendations.

C. Public Meetings. A public meeting on every matter submitted to the Design Commission for its review shall be held before the Commission conducts its final recommendation. All such public meetings require at least seven (7) calendar days' notice to the general public in a newspaper of general circulation.

#### **SECTION 28-13. Records**

The Design Commission shall record: the time and place of each meeting; the topic(s) discussed in each meeting; members in attendance at each meeting; whether the meeting was open to the public; what nonmembers were in attendance; any votes taken; and any disclosures by members of conflicts of interest. Such record shall be maintained in good and legible condition by the BRA staff, and be available for inspection by any member of the public upon seven (7) calendar days' notice. Such record shall be available to the Mayor and the Boston Redevelopment Authority upon reasonable notice.

#### **SECTION 28-14. Conflict of Interest**

The members of the Design Commission shall be subject to M.G.L. c. 268A.

#### **SECTION 28-15. Rules**

The Design Commission shall adopt rules or bylaws, which shall include the procedures referenced in Section 28-14B and may include such other issues as are integral to the operation of the commission.

#### SECTION 28-16. **Severability**

The provisions of this article are severable, and if any provision shall be held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not impair, or otherwise affect, any other provisions of this article.

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Chairman

Vice Chairman

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In Zoning Commission

Adopted: 07/12/2023

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Executive Secretary  
Jeffrey Hampton



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Mayor, City of Boston

Date: \_\_\_\_\_

7/25/83

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The foregoing amendment was presented to the Mayor on July 25, 2003, and was signed by her on July 25, 2003, whereupon it became effective on July 25, 2003, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



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Executive Secretary  
Boston Zoning Commission