

## MODERNIZATION ZONING AMENDMENTS

### ARTICLE 28: BOSTON CIVIC DESIGN COMMISSION

*July 2025*

This zoning text amendment to Article 28 is part of the Modernization Zoning Amendments. A Modernization Zoning Summary document is available online, and describes this text amendment at a summary level. Annotations throughout this zoning text amendment explain the rationale behind some key provisions.

Added text: **green**

Deleted text: ~~red and striked~~

Additional revisions since the initial draft: **yellow highlight**

## NEW ARTICLE: ARTICLE 2881 – BOSTON CIVIC DESIGN COMMISSION

Commented [KC1]: Renames Article 28 to Article 81

### Section 28-81-1. - Purpose.

Commented [KC2]: Clarify the purpose of the Commission

The purpose of this article is to establish the Boston Civic Design Commission ("Design Commission"), an advisory body to the Boston Redevelopment Authority (BRA) composed of individuals with a demonstrated expertise in urban design and its related fields, architecture, landscape architecture, historic preservation, arts, engineering, or urban planning. The Design Commission provides expert advice to project proponents, consultants, and the BRA on design decisions, with particular attention to the public realm, and establishes a forum for the general public and the professional design community to participate actively in the shaping of the city's physical form and natural environment. 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 28-81-2. - Establishment.

This article Article 81 establishes the Boston Civic Design Commission and supersedes former Article 28 - Boston Civic Design Commission.

### Section 28-3. - Definitions.

Commented [KC3]: Remove Definitions section and combine it with Jurisdiction, since the definitions describe the scope of jurisdiction

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 28-481-3. - 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 **projects** subject to the Boston Redevelopment Authority's

~~planning authority.~~ Article 80 Development Review and Approval in which it is proposed to erect a building or structure having a Gross Floor Area in excess of ~~two hundred thousand (200,000) square feet~~ or to enlarge or extend a building or structure so as to increase its Gross Floor Area by more than two hundred thousand square feet, and those projects, regardless of scale, identified by the Director of the BRA to be of special significance. Projects of special significance may include projects that are:

1. Located on a significant site. These sites may located in or visually prominent from an area of special historic or cultural interest, or visually prominent from a significant open space area or public right of way, or may be greater in size than one acre.
2. Of a significant form. These buildings may establish a visual landmark or gateway, or bridge different spatial scales within an area.
3. Of a significant program. These uses may include museums and galleries, theaters and performing arts centers, religious and spiritual sites, libraries and archives, and community and cultural centers.

In all cases, the projects reviewed by the Design Commission shall be reviewed for the purposes stated in Section ~~28-281-1.~~ ~~on the basis of criteria referenced in Section 28-14A.~~

#### Section ~~28-581-4.~~ – Composition and Structure.

- A. **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~~ 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.

**Commented [KC4]:** Increase the size threshold from 100,00 sq ft to 200,000 sq ft

**Commented [KC5]:** Clarify the criteria for projects of special significance

**Commented [KC6]:** Nest current sections 28-6 through 28-11 underneath future section 81-4

~~The Director of Planning and the Deputy Chief of Urban Design, or their successors,~~ The Chief of Planning shall designate two representatives of the Planning Department with expertise and oversight of planning and urban design to shall serve on the Design Commission ~~commission~~ in a non-voting ~~of recommendation~~ capacity, ex officio and without additional compensation.

**Commented [KC7]:** Update which City of Boston staff serve as non-voting members of the Commission

#### **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.~~

**Commented [KC8]:** Remove duplicate language covered in Composition

#### **Section 28-7.-- Terms of office.**

- B. **Terms of Office.** Design 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 members of the Design Commission shall be replaced at one time. As the term of any Design Commission member initially appointed, or of any subsequent Design Commission member, expires, ~~his~~ their 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 **three-year** terms.

**Commented [KC9]:** Remove language on initial establishment of staggered terms

#### **Section 28-8.-- Removal.**

- C. **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~~ **established by the Design Commission**, 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.**

- D. **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.**

- E. **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.**

- F. **Staffing.** The Boston Redevelopment Authority shall staff the Design Commission with ~~Boston Redevelopment Authority~~ Planning Department personnel in a manner consistent with the Design Commission's mission and purpose.

### **Section 28-1281-5. – Advisory recommendations.**

The Design Commission may make advisory recommendations to ~~the Mayor and~~ the Boston Redevelopment Authority, including ~~the~~ any need for modification. ~~The Review~~review timeline for each development project shall be coordinated with the Article 80 process. If and when submitted, recommendations shall be in the form of the applicable meeting minutes. ~~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~~ guidelines, 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~~ Planning Department, either in its planning reports and studies or in specific requests for proposals (~~i.e.~~ e.g., competitions).
- B. *Method.* Advisory recommendations shall be reached through discussion among the members at ~~the~~ a public meeting. Unanimity is not required for a recommendation to be made. Members will vote on a simple majority basis (of nonrecused members present ~~in~~ at 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 Design Commission ~~conducts~~ submits its final recommendation. All such public meetings require at least seven (7) calendar days' notice to the general public ~~online via the~~

**Commented [KC10]:** Update to recommendation procedures - recommendations will be issued to the BRA via Planning Department staff, rather than the Mayor

**Commented [KC11]:** Modernize communication methods

City of Boston Planning Department website and via an electronic distribution list. ~~in a newspaper of general circulation.~~

#### **Section ~~28-13~~81-6. - Records.**

The Design Commission shall record: the time and place of each meeting; the topic(s) discussed ~~in at~~ 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~~ Planning Department staff, and be available for inspection by any member of the public upon seven (7) calendar days' written notice. ~~Such record shall be available to the Mayor and the Boston Redevelopment Authority upon reasonable notice.~~

#### **Section ~~28-14~~81-7. - Conflict of interest.**

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

#### **Section ~~28-15~~81-8. - Rules.**

The Design Commission shall adopt ~~rules or bylaws~~ rules, bylaws, or the procedures for the conduct of its meetings, 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~~81-9. - 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.