

AN ORDINANCE CREATING THE PLANNING DEPARTMENT IN THE CITY OF BOSTON

City of Boston Code, Ordinances, *Chapter VIII*, is hereby amended by adding the following after Section 8-13:

SECTION 1.

8-14.1. Purpose of the Planning Department.

There shall be in the City of Boston a department, known as the Planning Department (the “Department”), which shall be the City’s primary land use agency charged with planning and designing the City’s built environment proposing recommended changes to the zoning code, and evaluating and managing urban development (the “Purpose”). In achieving its Purpose, the Department shall develop plans and create strategies aimed at addressing the City’s growth and infrastructural needs. Included among the Department’s duties are to provide staff and technical support for planning or zoning efforts, and to review all large scale private development proposals within Boston.

8.14.2. Appointment, Powers and Duties of the Department’s Chief of Planning.

a. Appointment

The Department shall be managed and directed by a chief of planning (the “Chief of Planning”). The Chief of Planning shall be appointed by the Mayor and shall remain in the position pursuant to Boston City Code 5-5.1. The Chief of Planning shall be a resident of Boston for the duration of their appointment subject to Boston City Code 5-5.2.

b. Powers and Duties to Manage the Department

The Chief of Planning shall have the powers and duties to manage the Department and its employees, including hiring employees. The Chief of Planning and the Department’s employees shall be municipal employees of the City of Boston subject to M.G.L. ch. 268A and all rules, regulations, laws, ordinances and statutes applicable to such employees.

c. Chief of Planning as Director of the BPDA

The Chief of Planning may serve in a dual capacity as Director of each of the Boston Redevelopment Authority (“BRA”) and the Economic Development and Industrial Corporation of Boston (“EDIC”), which entities together do business as the BPDA (the BRA and EDIC, together with any successor agency to the BRA and/or the EDIC, are referred to herein as the “BPDA”) and who shall coordinate and integrate the

work of the Department and the BPDA or any successor entities in a manner consistent with this ordinance and the BPDA's statutory authority.

d. Specific Powers and Duties of the Chief of Planning

The Chief of Planning shall have the following powers and perform the following duties to further the Purpose of the Department:

- i. Coordinating and directing all planning efforts by the Department, all City land use directives, and all related policies and procedures on behalf of the Department; and
- ii. Leading the City's coordination with ongoing planning, design, zoning and development review efforts.

8-14.3. Powers and Duties of the Department.

The Department shall serve as the technical planning lead for the City of Boston and shall organize and make such recommendations to the BPDA Board or any successor entities concerning matters within its responsibility as may be necessary and appropriate.

The Department shall have the following functions with the respective powers and duties below to further its Purpose which may be amended at the discretion of the Chief of Planning, subject to any required approval by City Council as established in the City Charter, to ensure the effective operation of the Department:

- a. *The Planning Division:* To create comprehensive plans and zoning regulations to guide urban development citywide, including by: maintaining an accurate and updated version of the City's Zoning Code and accompanying zoning maps which shall be available to the public through a publicly accessible database; and providing staff and technical support for citywide planning and zoning efforts, including staffing for Boston Zoning Commission activities.
- b. *The Design Division:* To set standards and guidelines for urban design citywide, and to evaluate architectural, public realm, and site design of proposed developments and policies, including by: ensuring that projects and policies meet aesthetic, functional, and community standards for urban design, with coordination and input from the Boston Civic Design Commission, and other public processes; evaluating aspects such as building appearance, landscape design, signage, lighting, and their integration into the surrounding environment; and enhancing the quality, character, and compatibility of development within neighborhoods across the city to promote and protect the City's cultural heritage and unique sense of place.
- c. *The Development Review Division:* To evaluate proposed development projects to ensure coordination with zoning, land use planning, and other relevant policies related to the built environment, including by: assessing the community impact of projects related to affordability, resilience, equity, and other important factors,

in order to shape project details, mitigation, and community benefits; managing application submission, public notifications, public hearings, review by various city departments, and final decision-making and approvals for proposed development projects; and ensuring transparency and predictability in development review processes pursuant to Article 80 of Boston's zoning code.

- d. *The Real Estate Division*: To manage the planning process for acquisition and disposition of real estate in coordination with the Public Facilities Commission and the BPDA board; to oversee public-private partnerships to create public value on public land; and to direct construction, maintenance, coastal protection, leasing, and licensing of public assets with municipal or non-municipal uses including properties owned by the BPDA or successor entities.
- e. The Department may also include support services to ensure the smooth functioning of human resources, financial, legal, technological, communications, and other functions.

8-14.4 Residency Exemption for Former BPDA Personnel.

- a. Individuals employed by the Department shall be residents of the City of Boston in accordance with the City of Boston's Residency Ordinance (Ord. 1976, c. 9 as amended, hereinafter the "Residency Ordinance").
- b. Individuals employed by the BPDA as of June 30, 2024 who are subsequently hired by any City Department (the "Former BPDA Personnel") with no break in service between BPDA employment and employment with a City department, shall be exempt from the Residency Ordinance if: Such Former BPDA Personnel have already served ten (10) consecutive years with the BPDA (as calculated by the BPDA as of the date of such Former BPDA Personnel's date of transition to a City department); or Such Former BPDA Personnel serve ten (10) consecutive years with the BPDA (as calculated by the BPDA as of the date of such Former BPDA Personnel's date of transition to a City department) combined with their service time with a City department post-date of transition to the City; or such Former BPDA Personnel has already become exempt as of June 30, 2024 during employment with the BPDA pursuant to the provisions of a collective bargaining agreement between the Former BPDA Employee's bargaining unit and the BPDA.
- c. Section 2(1)(b)'s exemption shall remain in effect during the entirety of the Former BPDA Personnel's service with the City unless and until the Former BPDA Personnel's employment with the City ends, or unless and until the Former BPDA Personnel subsequently becomes covered by any labor or collective bargaining agreement. At the time of either of these events, the exemption set forth herein ceases to apply to that Former BPDA Personnel.

8-14.5. Financial Transfers.

Upon the effective date of this ordinance as defined in Section 5 and consistent with the City Charter and state law, and from time to time thereafter, the BPDA shall transfer funds to the City to fulfill the Purpose of the Department and to fulfill its statutory duties (the “Financial Transfers”). The City and the BPDA shall execute a memorandum of agreement (the “Financial Transfer MOA”), which Financial Transfer MOA may be amended from time to time with with a copy submitted to the City Council annually, to memorialize the process by which the Financial Transfers shall be effectuated for any Financial Transfers completed after the effective date of this ordinance. The City shall expend any funds subject to the Financial Transfers in the manner in which they are required to be expended. The annual budget filed by the Mayor may be based on the amount of the Financial Transfers estimated to be received by the City in the upcoming fiscal year. The Financial Transfer MOA, in conjunction with this Section 3.1 shall permit the execution of the Financial Transfers without further authorization subject to the City Charter.

8-14.6. Property Transfers.

The City may transfer to and acquire from the BPDA real property according to existing statutory processes as they may apply to certain parcels. The City and the BPDA may execute one or more memorandum of agreement to memorialize the process by which certain real property transfers shall be effectuated. To facilitate the transfers of already acquired property owned by the BPDA at the date of passage of this ordinance This section shall constitute any requisite City Council approval of real property acquisitions and transfers subject to the City Charter or other applicable Massachusetts state law.

SECTION 2.

8-14.7 Planning Department Performance Reporting

To ensure adequate transparency and oversight throughout a transition period, the Department, in consultation with the BPDA, or its successor entity, shall be required to write and publish an Annual Report assessing success in advancing the express goals of newly repurposed land use and planning tools including affordability, resilience, and equity. This requirement for an annual report and hearing shall sunset after 5 years.

- a. Annual Report: The Department shall submit an Annual Report. The annual report shall include an assessment of the Department’s performance in achieving affordability, resilience, and equity during citywide planning and zoning initiatives. The Annual Report submitted under this section shall be made publicly available on the City’s website upon submission to the council. The Annual Planning Report submitted pursuant to this section shall include all of, but are not limited to, the following: Documentation of the Department’s progress and initiatives in furthering its purpose and stated goals over the last year, including ongoing and new planning and zoning initiatives related to increasing

affordability and equity, criteria guiding resiliency, and trends summarizing development review outcomes and operations; Goals, Ongoing and New Initiatives for the following fiscal year; Hiring and employment trends including demographics regarding Department personnel with metrics for increasing diversity;

- b. Financial Reporting: The BPDA, or successor agency, shall submit annually to the Mayor and City Council an audited annual financial statement, which shall include summaries of revenue and expenses in millions with complete list of assets and ground leases, capital expenses, and developer mitigation funds. The audited annual financial statement shall be made publicly available on the City's website upon submission to the City Council. In addition, the City shall provide copies to the Council, on an annual basis, of any amended financial MOA between the BPDA and the City.
- c. Annual City Council Hearing: No later than March 31st of each year, the City Council shall hold a hearing to discuss the Annual Report, which may include an additional independent evaluation of the performance and effectiveness of the Department. The annual hearing shall allow public testimony regarding findings in both the annual report and annual evaluation of the Department.

SECTION 3.

8-14.9 Effective Date.

The provisions of this Ordinance shall take effect at the commencement of fiscal year 2025.

SECTION 4.

8-14.10. Partial Invalidity.

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.