

# Joint Committee on Municipalities and Regional Government

## Bill Summary

---

<b><u>BILL NUMBER</u></b>	House, No. 3749
<b><u>TITLE</u></b>	An Act protecting sunlight and promoting economic development in the city of Boston
<b><u>SPONSORS</u></b>	Representative Michlewitz of Boston; Senator Boncore
<b><u>HEARING DATE</u></b>	Tuesday, June 27, 2017 at 11:00 AM - 02:00 PM, 222
<b><u>CURRENT LAW</u></b>	<p>Chapter 362 of the Acts of 1990, protecting certain public commons, prohibits the construction of structures that would cast a new shadow on the Boston Common or the Lynn Common. It allowed exemptions for structures that only cast a shadow at certain times of day, or on no more than one acre of park area, or are part of a development or master plan which was in existence as of May 1, 1990. The one acre shadow is calculated by adding together the shadows cast by all structures in the Midtown Cultural District.</p> <p>Chapter 384 of the Acts of 1992, protecting the Boston Public Garden, placed similar shadow restrictions or prohibitions on structures which might affect the Boston Public Garden.</p> <p>Chapter 665 of the Acts of 1956 is the special act which enabled the city of Boston to regulate its own zoning.</p> <p>Article 38 of the Boston Zoning Code regulates zoning for the Midtown Cultural District of Boston.</p> <p>Article 48 of the Boston Zoning Code established zoning regulations for the Stuart Street district of Boston.</p> <p>Chapter 121A of the Mass. General Laws (MGL) governs urban redevelopment corporations.</p> <p>MGL Chapter 121B governs housing and urban renewal.</p>

### **SUMMARY**

This legislation amends two special acts in order to facilitate the construction of a new 775 foot skyscraper to be constructed in Winthrop Square in Boston. The tower would be located on the site of a former city parking garage on Devonshire Street.

Section 1 of the bill strikes language referencing the one acre limit on shadows cast on the Boston Common.

Section 2 deletes a sentence allowing a new structure which casts a new shadow on Boston Common beyond a two hour period only if the sum of shadows cast by all structures in the district does not exceed one acre.

Section 3 inserts a new subsection in the 1990 special act, adding a provision to the list of exemptions from the prohibition on shadows being cast on the Boston Common during certain times of day. The exclusion area includes the proposed site of the new skyscraper.

Sections 4 and 5 make minor changes in wording and punctuation to accommodate the new subsection (d) to be inserted by Section 6.

Section 6 inserts a new subsection in the 1992 special act to add an exemption from the prohibition on casting a shadow on the Public Garden. The defined area excluded from the law is the same as in Section 3.

Section 7 defines certain words and terms used in the bill.

Section 8 limits the construction of any structure in the Stuart Street District established by Article 48 of the Boston zoning code, by stating that such structures shall not cast a new shadow on Copley Square Park for more than 2 hours from 8 am until 2:30 pm from March 21 to October 21. This provision exempts structures that were approved on or before March 31, 2017 by the Boston Zoning Commission. If the approved plan is amended, the structure may not cast additional shadow for more than 2 hours a day.

Section 9 requires the Boston Redevelopment Authority (now known as the Boston Planning and Development Agency) to conduct a planning initiative to study growth in downtown Boston and issue recommendations that balance growth with livability while respecting the importance of sunlight, walkability, and a dynamic mix of uses, as well as other specified goals. The study shall start within 6 months of this bill's passage, and the agency shall publish a report on the initiative within 3 years from its passage.

Section 10 states that this act shall take effect upon its passage.