



Memorandum

To: Zachery LeMel
From: Councilor Marc C. Laredo
Re: Comments on the proposed changes to the residential portion of the Zoning Code
Date: September 10, 2020

In response to Chair Crossley's request, the following are some comments and concerns that I have regarding the current draft and the process in general. I expect to have additional comments, especially about the details of these proposals, after I have had an opportunity to hear the views of my colleagues and professionals in the architect and builder communities.

Overview

My thoughts fall into three categories: overall goals and process; the new proposed standards; and policy issues. As we move forward, we should separate out discussions regarding new proposed standards from policy decisions such as whether to allow conversions by right and eliminating parking requirements. The policy decisions could be adopted (or rejected) under our current code and are separate and distinct from the new rules that are being proposed. The ongoing discussions of ZAP should be framed accordingly.

Goals and process

- *Format.* One of the primary goals of our zoning review process is to simplify our zoning code and make it more user-friendly. Generally, this draft accomplishes that goal. It is easy to read and understand. This is a very important aspect of a zoning code that should not be understated. Clarity and ease of use is important for residents, architects and contractors, city staff, and the Council.
- *Changing goals.* The latest goals articulated by the Planning Department (and the ZAP chair) differ from the goals set by ZAP. Councilors Baker and Wright discussed this in their August memo. It needs to be corrected. Furthermore, the goals of the zoning effort seem to be shifting. If the goals are going to change, we need to have a robust discussion in the Council and with the public about these changes and the rationale for them. Here are some examples:
 - Less than two years ago, the goal was development in village centers and near public transit and keep existing housing patterns in the neighborhoods. That no longer seems to be the case.
 - For many years, one of the main stated purposes of this effort was to reduce nonconformity. Now, we have been advised that this goal is no longer important. What has changed and why has it changed?
 - The Comprehensive Plan called for a modest increase in the city's population over time. The latest draft would allow for a much larger rate of growth. We have already approved (or are in the process of approving in the case of Riverside) a significant number of new housing units. The Washington Street Vision Plan alone calls for the construction of many more units. Where are the studies that discuss the financial and infrastructure costs of this change? How will the city manage this growth?

- *Effects of COVID-19.* COVID-19 is likely to change how we live and work for many years, even after it is brought under control. Many businesses with employees who can work from home will allow them to do so. Companies in Boston and elsewhere will need less office space. It will be less important for many workers to be able to commute into Boston. Furthermore, while I hope and expect that the use of public transit will return, we do not know what that will be like in the future. My concern is that none of that has even been mentioned in our zoning discussions and how these changes may lead to different needs for our residents and businesses.
- *How can we reach the 40B threshold.* We have not had any discussion in this process of how to reach the 40B threshold of ten percent affordable housing. Reaching the ten percent threshold accomplishes two important public purposes: providing more affordable housing in the city and allowing us to be free of developers' threats of using 40B as an alternative in the Land Use process. How will our new code allow us to reach this goal?
- *Increasing opportunities for home ownership.* We have a significant number of projects underway that will increase the number of rental units in our city. That growth meets a significant need. But absent from our discussions is any mention of how to increase opportunities for home ownership, especially among groups that have traditionally faced barriers to home ownership.
- *Lack of outreach.* Our collective attention in the city is elsewhere. How do we ensure that we are listening to the views of a broad range of residents and not just the small percentage of them who attend a ZAP meeting or participate in Planning Department office hours? What specific suggestions do we have in this regard?

The Proposed New Standards

- *Clear, definitive language.* Legislative language, such as a zoning code, should be clear and directive. Suggestion as to best practices, such as statements that meetings with the Planning Department are "recommended" and "Centralized and underground garages are encouraged," and "ribbon driveways are highly encouraged" have no place in a zoning code (if needed, they can be included in a best practices advisory put out by the Planning Department). I have similar concerns with the "context descriptions."
- *Rationale for eliminating the use of FAR and the creation of "building types."* I have not seen a robust discussion (including the participation of members of our architectural community) of why we believe FAR is not working and that, instead, building types is the preferred method. I do not have strong views on this but need to understand the rationale better. I also think we need to have a much more in-depth conversation about what the elimination of most residential special permits will mean. Will that now require a homeowner to seek a variance (a much more difficult standard) for any changes? Also, where are the "urban design best practice" referenced on page 2 of your memo?
- *Is there support from the architectural community regarding the new rules.* What do the architects think about the proposed code? Are we addressing their concerns and, if not, why not? I want to hear directly from these experts who will have to work with these new standards and have them walk us through the standards line by line before I can offer judgments on the specific standards.
- *Driveways and garages.* The standards for driveways, especially the width of driveways, ignore practicality and existing conditions throughout the city. I agree that we need to better regulate garages. I want to hear from architects and builders to better understand the standards.

Policy issues

- *Should we allow conversions by right of existing buildings.* I favor policies that allow existing structures to add more housing units with three important conditions: (a) the structure must be existing for a fixed number of years (we do not want developers building a new building with the goal of converting it in a couple of years); (b) the exterior changes should be minimal (the current draft would allow significant

additions through the by right inclusion of side and rear additions, among others; and (c) we have a special permit process for these conversions. I do not view a special permit process as onerous, especially because it serves as an important means of overseeing developers (the legitimate criticisms of the special permit process relate, in my view, to their burden on homeowners to add on to their houses - these conversions are likely to be built by developers).

- *Should we allow building two family structures by right throughout the city.* I do not support conversions by right (as opposed to by special permit) throughout the city without any consideration of existing conditions. This will encourage developers to buy existing homes, tear them down, and build to the maximum amount possible. As stated above, the special permit process serves as an important safeguard to make sure that the city's interests are protected, especially when dealing with developers.
- *Should we eliminate all parking requirements for one- and two-family residences.* What is the purpose of this change? If it is to reduce reliance on automobiles, that may work well in larger developments but ignores reality in single- and two-family residences (and I support reducing our parking requirements for such developments as well as for reducing or eliminating parking requirements for commercial spaces in our village centers). Parking requirements and year-round, on-street parking are interrelated. We have repeatedly heard from residents in certain wards that they do not have enough parking on their lots (even though they knew of the limitations when they rented or bought their houses) and need to park on the street and many Councilors are sympathetic to these concerns. If all we are doing is shifting parking to the streets that does nothing to reduce automobile use and makes it more difficult to clean our streets on a regular basis and sand and plow in the winter.

I look forward to continued discussions with my colleagues about these important issues.