



## STAFF REPORT

**TO:** Boston Zoning Commission

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**PROJECT:** Petition to Amend Squares + Streets Zoning (Text amendment to Article 26, Article 3, and Article 8) “the petition”

**PROJECT SUBMISSION DATE:** 10/16/2024 (revised from 7/4/2024)

**TYPE:** Text Amendment

**APPLICANT:** Listed City of Boston Resident Petitioners

### **Background Information:**

Squares + Streets is a planning and zoning initiative of the City of Boston that focuses on the growth of neighborhood centers that are near transit and along main streets across Boston. A major component of the initiative is updating the zoning in these neighborhood centers to guide development that encourages a mix of building uses and heights, creates housing diversity, builds density, and encourages active streets. To help accomplish this, the Squares + Streets Zoning Text Amendment was adopted on April 17, 2024 by the Boston Zoning Commission. This amendment created six new zoning districts in the code which can be mapped in areas throughout the city. The adoption of the Squares + Streets districts established these districts and their regulations in the Boston Zoning Code as part of the citywide “base code” for consistency across similar areas of the city to further enable mixed use development. Structurally, this also makes it easier to keep the code up-to-date and ensures more equitable attention to zoning rules across Boston’s neighborhoods

The districts will be mapped in local parts of Boston after community engagement processes and analysis of local contexts through planning initiatives. So far, Squares + Streets districts have been mapped in Mattapan to implement PLAN: Mattapan, and Small Area Plan processes have started in Cleary Square, Roslindale Square, Fields Corner, and Codman Square + Four Corners.

This petition (originally received on June 4, 2024) was initiated by 22 residents, who listed the Hyde Park Neighborhood Association email address as a point of contact. After receiving the Planning Department’s initial report on the June 4th petition, the petitioners submitted a new version on October 16th, 2024. This report responds to the updated version of the petition.



The petition is in response to the residents' concerns about the Cleary Square Small Area Plan and potential rezoning in Hyde Park. However, as these are citywide districts which will be used in other neighborhoods that undergo Squares + Streets Small Area Plans, the Planning Department believes that any substantive text amendment to the districts must be analyzed and vetted through a citywide lens.

The following outlines the citywide public engagement process which resulted in the drafting and adoption of the zoning text for the existing Squares + Streets districts. This information is included to illustrate the community vetting which informed the existing Squares + Streets zoning regulations that this petition proposes changing.

**Approved Squares + Streets Districts Public Process:** The community engagement process for drafting the existing Squares + Streets zoning districts included six citywide public meetings (conducted virtually via Zoom) between October 16, 2023 and February 6, 2024. Each of these meetings were attended by about 115 community members on average. Staff also held a total of 36 sessions of community office hours, which allowed staff to have one-on-one and small group conversations with residents about Squares + Streets zoning.

A full draft of the Squares + Streets text amendment (with accompanying reference guides for accessibility) was released for the public on December 5, 2023. During the approximately two-month public comment period, staff received over 250 public comments and letters on the draft text amendment. Following this, staff released a document containing individual responses to each of these comments and letters, explaining why the draft zoning was modified or not in response to each comment.

Staff also held focus group meetings with professionals who often work with the Boston Zoning Code, as well as two educational and visioning workshops with participants in the Mayor's Youth Council (MYC) to better understand youth perspectives. In addition, Planning Department staff worked closely with other City staff throughout the drafting, consulting with staff from over a dozen City departments and commissions to ensure the proposed zoning was aligned with existing strategies, ongoing and potential City initiatives, and needs for Squares + Streets areas.

**Mattapan: PLAN:** Mattapan was approved and adopted by the BPDA Board in May 2023 and recommended new zoning for the commercial and mixed-use areas of Mattapan to enhance these transit-rich "Nodes" and "Corridors," improve access to and diversify retail and services, activate the public realm and pedestrian experience, cultivate small businesses and cultural assets, and expand housing opportunities. In May 2024, the Squares + Streets districts were mapped in Mattapan based on the recommendations of PLAN: Mattapan.

In addition to the citywide public engagement process to adopt Squares + Streets districts, a Mattapan-focused engagement effort was conducted to build on the recommendations of PLAN: Mattapan. Planning Department staff held four virtual public meetings with an average of 20 attendees per meeting. Staff also hosted one in-person meeting at the Mattapan Community Health Center, geared towards business and property owners within the proposed zoning districts. Staff also held four office hour sessions and attended the Greater Mattapan Neighborhood Council meeting on January 8, 2024 to discuss the zoning and solicit feedback.



As a result, Squares + Streets districts were adopted in Mattapan in May 2024. The Planning Department feels strongly that any changes to the districts require additional strict scrutiny to ensure their appropriateness for Mattapan, given their strong community participation in the planning and zoning process.

**Cleary Square:** The Cleary Square Small Area Plan kicked-off in February 2024. As of the preparation of this report, staff have solicited community feedback through various events including nine in-person office hour sessions, four visioning sessions (including one for Spanish speakers and one for Haitian Creole speakers), focus group discussions with small business owners and youth, various pop-up events, and online surveys. Staff is tracking and publishing the themes heard through this engagement on the [Cleary Square Engagement Storymap](#).

The next critical step in the planning process for Cleary Square is the Ideas Reception. This serves as a platform to present and discuss the preliminary recommendations of the plan with the community before the official release of the draft plan. After the in-person event on October 30, 2024, a survey will be available online for 3 weeks. This will provide an opportunity for local stakeholders, residents, and business owners to review the proposed strategies, offer feedback, and engage in meaningful dialogue with the planning team. This includes an opportunity to discuss the preliminary Land Use and Design Framework. This is the section of the plan that will outline the goals and priorities for the future development scale and land use activity in Cleary Square, based on the engagement process and analysis of Cleary Square and the overall Squares + Streets goals to create opportunities for housing growth and active main streets. The Land Use and Design Framework will be implemented by a future zoning map, the draft of which will be released early next year following the release of the draft plan.

## **Analysis of the Petition:**

### **Summary**

The proposed petition to amend the existing Squares + Streets articles has three main components that:

- Change the use regulations for some uses in the existing Squares + Streets districts of S0, S1, S2, and S3. This includes changes to most active and commercial uses, as well as Clinic, Standalone Parking Garage, and Standalone Parking Lot. The changes overall make these uses less restricted.
- Add a new S0.a district. The majority of commercial and active uses would be Allowed or Conditional in S0.a, making the district act as a small-scale, commercial oriented mixed-use district. Additionally, residential uses in the S0.a district would be limited to 4 units and buildings would be limited to three stories or less.
- Add a new S2.5 district. The purpose of this district seems to be to act as an Active Main Street (with use regulations similar to the existing S3 district), but with slightly smaller allowed building dimensions, including a height limit of 6 stories (as opposed to 7 stories allowed in the existing S3 district).

### **Drafting issues**



There are a few components of the petition's formatting and drafting that may have complicated the Planning Department's analysis of the petition and could lead to confusion for other users of the Code. While the Planning Department has made a good faith assumption of intent of the petition in preparing this report, we highlight that these drafting concerns, if adopted, may create unresolved assumptions, errors, or unintended consequences within the Code.

Establishment of Districts: Firstly, new districts established in the petition (S0.a and S2.5) must be established in every part of the Code where the Squares + Streets districts are listed. While the petition establishes the new districts in Article 26 (Squares + Streets Districts), Article 8 (Regulations of Uses), and Article 3 (Establishment of Zoning Districts), it does not establish them in Article 11 (Signs) and Article 89 (Urban Agriculture). This means these districts would not be subject to the City's existing regulations for signs and urban agriculture that apply to all zoning districts.

Text colors: The text colors in the petition do not accurately reflect the text changes, as some amended text is shown in black and some existing text is shown blue. For example, the use regulations for Hotel - Small in S1 is shown in black even though it shows a change from the current zoning. Similarly, the use regulations for Major Transportation Facility in S1 and S2 and Standalone Parking Lot in S2 are shown in blue even though they show the same regulations as the current zoning. This can create confusion.

Contradictions: The drafting also makes it unclear whether 5-8 unit buildings are Forbidden or Conditional in the S0.a district. In Article 26 Table A (Additional Use and Performance Standards), it states that the S0.a district has a dwelling unit maximum of 4 units. This would imply that buildings with greater than 4 units are Forbidden. However, Article 8 Table A (Use Regulations) states that Household Living - 5-8 Units is Conditional in S0.a (and Household Living - 15+ Units is Forbidden). Staff assume the intention is for 5-8 units projects to be Conditional in S0.a, but the drafting would be improved if this were made clearer on the Additional Use and Performances Standards table.

There are also contradictions between the stated purposes of the districts in the proposed petition and the actual proposed regulations. For example, Section 26-1.A states that "Active, commercial and community serving uses are forbidden in S0.a districts." However, the proposed regulations shown in Article 8 include many Allowed active and commercial uses in the S0.a district such as some sizes of grocery stores, entertainment/events, restaurants, retail stores, indoor recreation, social clubs, art studios, and offices.

Unclear purposes and names: In addition to the language proposed for Section 26-1 contradicting the proposed regulations, the proposed amendments to Section 26-1 do not adequately explain the purposes of new districts. The petition includes a new description and purpose for the new S2.5 district, as well as a few small additions to the existing description of the S2 district. This makes the descriptions of S2 and S2.5 almost identical, and the small differences do not seem purposeful (such as S2 being described as a "small- to medium-scale mixed-use district" and S2.5 being described as just a "small- scale mixed-use," despite S2.5 allowing larger buildings). This makes it unclear what the intended purpose of the S2.5 district is and how it differs from the other districts. The names of the new districts (which introduce both additional numbers and letters to the names), are also unintuitive. The challenges with both



naming and adequately distinguishing the new districts could be related to having too many districts in the Squares + Streets article as a result of the proposed amendments.

## Use Changes

The petition proposes use changes which would affect the existing Squares + Streets districts of S0, S1, S2, and S3 in Mattapan and all other places they would be mapped in the future.

Many of the proposed changes are not aligned with intentions and planning goals of the existing Squares + Streets districts and would not be appropriate for the areas where they are currently mapped in Mattapan. The following summarizes the planning goals of the existing districts and the areas where they are mapped in Mattapan:

### Existing S+S districts:

*Existing S0:* The S0 Transition Residential district is a primarily residential mixed use district that provides a transition from mixed-use and high-activity Squares + Streets to lower- activity residential areas. In Mattapan, S0 is primarily mapped in the periphery of the Square, where there are well-established and built-out small multi-unit residential properties. S0 allows for infill development that complements the scale that exists today while preventing encroachment from larger, commercial land uses. For example, S0 is mapped on a portion of Blue Hill Ave that has a series of consistent multi-unit triple-decker buildings with no driveways, which align well with the dimensions allowed in S0.

*Existing S1:* The S1 Main Street Living district is a mixed-use district where buildings generally have principally residential uses. Some non-residential uses are Allowed, but are generally limited to the ground floor. In Mattapan, S1 is mapped in places that have medium-scale, multifamily buildings, like the Mattapan Health and Rehabilitation Center or the Cote Village Townhomes. S1 is also mapped in Mattapan in areas that were previously zoned as residential, but were identified in PLAN: Mattapan as key nodes to attract and develop more neighborhood-serving goods and services. Overall, S1 is typically mapped in Mattapan in places with an existing mix of residential buildings with some ground floor retail or where residential buildings are interspersed with small commercial spaces.

*Existing S2:* The S2 Main Street Mixed Use district is a small- to medium-scale mixed-use district that allows for a wider array of commercial uses. In Mattapan, S2 is mapped along Blue Hill Ave between Mattapan Square and Morton Street, where existing buildings have active commercial uses today and reflect a small to medium scale.

*Existing S3:* The S3 Active Main Street district is a mixed-use district of medium-scale buildings that requires a minimum amount of active uses on the ground floor of a building to be mapped in areas with high pedestrian activity. In Mattapan, the S3 district is mapped around the intersection of Blue Hill Avenue and Morton Street, and along Cummins Highway and River Street on the southwestern side of Mattapan Square. These areas have existing commercial and active uses, and were identified in PLAN: Mattapan as opportunities for development of larger buildings.



S0 proposed changes: The petition proposes several changes to uses in the S0 district (that are also included in the proposed S0.a district):

- Grocery Store - Small (from Conditional to Allowed)
- Social Club (from Conditional to Allowed)
- Museums (from Forbidden to Conditional)
- Funeral Home (from Forbidden to Conditional)
- Standalone ATM (from Forbidden to Conditional)
- Retail Cannabis Establishment (from Forbidden to Conditional on the ground floor and Forbidden above)
- Bank (from Forbidden to Conditional on the ground floor and Forbidden above)
- Service establishment - small (from Conditional on the ground floor and Forbidden above to Allowed on all floors)
- Art Studios (from Forbidden to Allowed)

These changes (in addition to the changes to S0 discussed in the next section) would transform S0 from a transitional mixed-use district, meant to be fully compatible with lower-intensity residential areas, into a more commercial-oriented, mixed-use district. These changes therefore are not aligned with the planning goals of the S0 district. This means that these changes would also not be appropriate for the areas where S0 is mapped in Mattapan, which include a small portion along Blue Hill Ave with a series of consistent triple-decker buildings and in the periphery of Mattapan Square where on existing residential properties.

Additional changes to the Use Table: The petition also proposes several changes to uses across districts S0-S3 . The following section of this report provides the Planning Department's analysis of these proposed changes.

*Grocery store:*

The petition proposes making Large Grocery Store (at least 15,000 sq ft) Allowed on the ground floor and Conditional above in S1, S2, and S3 and Conditional in S0.

The Planning Department supports changing Large Grocery Store to Allowed on the ground floor and Conditional above in S3 (from Conditional). However, stores of this scale are not appropriate for the lower scale districts due to their large loading demands, and the fact stores over 15,000 sq ft will usually not fit in the smaller scale of buildings allowed in these lower-intensity districts. The current regulations for Large Grocery Store in S0 (Forbidden), S1 (Forbidden), and S2 (Conditional) should therefore be maintained. Small Grocery Store uses (up to 15,000 sq ft) are already Allowed in S1-S5 and, as noted in the prior section, are Conditional in S0.

*Entertainment/events:*

The petition proposes making Extra Small Entertainment/Events (capacity less than 250 persons) Allowed in S0, S1, S2, and S3. It would also make Small (capacity of 251-500 persons) and Medium (capacity of 501-2,000 persons) Entertainment/Events Allowed on the ground floor and Conditional above in S0, S1, and S2.



The Planning Department supports making Extra Small and Small Entertainment/Events Conditional (as opposed to Forbidden) on upper stories in S1, and Extra Small, Small, and Medium Entertainment/Events Conditional (and opposed to Forbidden) on upper stories in S2. This responds to public comments we have received which ask for more flexibility for this use to occur in a variety of Squares+Streets districts, and allows opportunities for small theaters, which often need multiple stories due to balconies.

This use should not be Allowed on upper floors without a conditional use permit in S0, S1, S2, or S3 because this use is more likely to have negative noise impacts on potential neighboring residential properties when it exists on upper stories. Also, as noted above, this use should not be Allowed in S0 because it changes its function as a primarily residential district. Medium Entertainment/Events (capacity of 501-2,000 persons) is also likely not appropriate for the S1 district because it is also intended to be primarily residential, and so the Planning Department recommends that Medium Entertainment/Events stay Forbidden in these smaller scale districts. In Mattapan, S1 districts are mapped primarily on existing residential properties along River Street and Blue Hill Ave, but include some smaller commercial uses. These areas are not intended to be major entertainment destinations, so the scale of Medium Entertainment/Events is not appropriate.

*Restaurant:*

The petition proposes making Small Restaurant (less than 2,500 sq ft) Allowed in S0, S1, and S2 and Large Restaurant (at least 2,500 sq ft) Allowed on the ground floor and Conditional above in S0 and S1.

The Planning Department supports making Small and Large Restaurant Allowed on the ground floor and Conditional above in S2. This changes Small Restaurant from Forbidden on upper stories, and Large Restaurant from Allowed on upper stories. This is to respond to divergent community feedback staff has received about the allowance of restaurants on upper stories in S2, as some residents have expressed wanting to see restaurants on upper stories in this type of district, and others have expressed wanting to see restaurants limited to the ground floor. This change makes both Small and Large Restaurants Conditional on upper stories.

In Mattapan, S2 is most prominently mapped along Blue Hill Avenue and around the Morton Street commuter rail station, where there is a plethora of restaurants of varying size and scale. Community feedback from PLAN: Mattapan identified a need for more sit-down restaurants; Adding a Conditional use restrictions for upper floors while maintaining the allowance for Restaurants on the ground floor will still make it easier for more restaurants to open and operate in Mattapan than it was under previous, non-Squares + Streets zoning rules.

The existing regulations in S0 (where Small Restaurant is Conditional on the ground floor and Forbidden above and Large Restaurant is Forbidden) and S1 (where Small Restaurant is Allowed on the ground floor and Forbidden above and Large Restaurant is Conditional on the ground floor and Forbidden above) are more appropriate for these districts and their planning goals and intentions as transitional and primarily residential.



The S0 areas in Mattapan are mapped strictly on residential properties to affirm and preserve their residential character by limiting the possibility of commercial uses taking over the much-needed residential housing stock.

*Indoor recreation:*

The petition proposes making Indoor Recreation Allowed on the ground floor and Conditional above in S0, S1, and S2 and Allowed in S3.

The Planning Department supports making Indoor Recreation Conditional in S1 and S2 (from Forbidden). Community members in Cleary and Roslindale Square have voiced a desire for more businesses geared towards youth like bowling alleys or arcades. Making Indoor Recreation Conditional in S1 and S2 would allow the possibility of these businesses in the lower activity districts when they are determined to be appropriate through the granting of a conditional use permit.

This use should not be Allowed or Allowed on the ground floor and Conditional above in S0, S1, and S2 (as the petition proposes) because of the possible scale and impact of this use. Indoor Recreation includes uses such as skating rinks and bowling alleys, which would likely not fit in the scale of building allowed in the smaller-scale districts. This use can also have a high level of coming and going, and possible noise impacts, which makes it inappropriate as an Allowed use in the residential-oriented districts of S0 and S1.

The petition also proposes changing the regulations of Indoor Recreation in S3 from Allowed on the ground floor and Conditional above to Allowed on all floors. The existing regulation is S3 (Allowed on the ground floor and Conditional above) helps control the possible scale and impacts of the use by requiring a conditional use permit for the use to exist on upper stories or to be multiple stories.

*Office:*

The petition makes both Small Office (less than 10,000 sq ft) and Medium Office (10,001-49,999 sq ft) Allowed in S0, S1, and S2.

The Planning Department supports making Small and Medium Office Allowed in S2 (from Allowed on the ground floor and Conditional above). This means that entire buildings in S2 could contain office uses. In S1, the Planning Department thinks it is important to maintain a mixed use character with predominantly residential uses on upper floors. As a result, Staff support making Small and Medium Office Allowed on the ground floor and Conditional on upper floors (from Allowed on the ground floor and Forbidden above). In S0, Staff also supports making Small Office Conditional (from Conditional on the ground floor and Forbidden above). This removes some existing restrictions on upper story offices and responds to community comments about the importance of upper story offices in the existing fabric of Cleary Square.

Offices should not be Allowed in S0 (as the petition proposes) because S0 is intended to be primarily residential. Offices should also require conditional use permits on upper





stories in S1 because S1 is intended to be primarily residential on upper stories. Again, S0 is mapped in Mattapan for only residential properties and the land use allowances reflect that by limiting offices. There are a handful of small ground-floor offices within the S1 areas in Mattapan, either on the first floor of residential buildings or as a standalone building. Introducing offices as Allowed on upper floors would risk the conversion of residential properties in these primarily residential areas, altering the local housing market and potentially causing displacement.

*Clinic:*

The petition makes Clinic an Allowed use on all floors of a building in S0, S1 and S2.

The Planning Department's supports making Clinic an Allowed use in S2. This is to respond to feedback we have heard from community members in Cleary Square about the importance of upper clinics in the existing Cleary Square fabric. Additionally, both Cleary Square and Roslindale Square have provided examples of how upper story clinics can fit very appropriately in small- to medium-scale, mixed-use areas.

The existing regulations in S0 (where Clinic is Forbidden) and S1 (where Clinic is Allowed on the ground floor and Conditional above) are more appropriate for their planning goals and intentions as transitional and primarily residential districts. As previously stated, the S0 areas of Mattapan include properties which are fully residential and should be preserved as such. The S1 areas in Mattapan are predominantly residential with a mix of some smaller-scale commercial uses, so if Clinics (which can be up to 50,000 sq ft) were made Allowed on upper floors, the resulting scale of future developments could jeopardize the finer-grained character.

*Service establishment:*

The petition proposes making Large Service Establishment Allowed in S2 (from Conditional), Allowed in S1 (from Forbidden), and Conditional in S0 (from Forbidden).

A Large Service Establishment is over 10,000 sq ft (with no upper limit on the size). This would most likely take the form of a large gym or fitness center, as other types of Service Establishments (such as hair salons or post offices) are unlikely to occur at this scale. This large size means they are not appropriate in an S0 or S1 district and the use should remain Forbidden in these districts. Because the maximum floor plates allowed in S0 (4,000 sq ft) and S1 (8,000 sq ft) are less than the minimum size of a Large Service Establishment (10,000 sq ft), this use would have to take up multiple stories of a building to exist in these districts. This type of non-residential use on upper stories is particularly inappropriate for S0 and S1, as S0 is intended to be a primarily residential transitional district and S1 is intended to be predominantly residential uses on upper floors.

The Planning Department would support making Large Service Establishment Allowed on the ground floor and Conditional above in S2. This responds to the general feedback staff have from some community members in Cleary Square that they would like more uses Allowed in the lower-scale districts. Because S2 is intended to be a main street mixed-use district with most commercial uses Allowed on the ground floor, this change does not alter the intentions and application of the S2 district. The floor plate limit of S2



(15,000 sq ft) and the Conditional restriction on upper stories would also help limit the possible scale and impact of the use and encourage it as a ground floor use.

*Standalone parking garage:*

The petition proposes making Standalone Parking Garage Conditional in S0, S1, and S2 (where it is currently Forbidden). This use can have a high impact on the surrounding area due to the frequency of cars coming and going. This use is also very unlikely to be physically accommodated by the dimensional regulations, including maximum floor plates, allowed in the S0, S1, and S2 districts. This makes this use not appropriate for these low-intensity districts, which are meant to accommodate smaller buildings and encourage housing growth through mixed use development. This use is currently Conditional in the larger and higher activity districts of S3, S4 and S5 to allow for this use after specific impacts have been evaluated, including the physical scale, lighting, and impacts on pedestrian safety.

*Standalone parking lot:*

The petition proposes making Standalone Parking Lots Conditional in S0 and S1 (where it is currently Forbidden). Similar to Standalone Parking Garage, this use can have a high impact on the surrounding area due to the frequency of cars coming and going. The high impact of this use makes it not appropriate for these low-intensity districts. This use is already Conditional in the higher activity districts of S2, S3, S4 and S5 where it can operate as a shared parking resource and be programmed with events like farmers markets. Because it is Conditional, it can also be evaluated for the impact of lighting and traffic entering and exiting on pedestrian safety and ensure that existing buildings are not demolished for parking lot uses.

*Retail store:*

The petition proposes making Small Retail Store (less than 2,500 sq ft) and Medium Retail Store (2,501 - 10,000 sq ft) Allowed on the ground floor and Conditional above in S0 and S1. Currently, in S0, Small Retail Store is Conditional on the ground floor and Forbidden above and Medium Retail Store is Forbidden. These regulations for Retail Store in S0 are aligned with the planning goals and intention of S0 as a primarily residential district with some opportunities for small-scale commercial activity. In S1, both Small and Medium Retail Store are Allowed on the ground floor and Forbidden above because S1 is intended to be primarily residential on upper stories with commercial activities limited to the ground level.

*Hotel:*

The petition proposes making Small Hotel (less than 50,000 sq ft and 50 guest rooms) Conditional in S0 and S1. S0 is meant to be a predominantly residential district that transitions to lower activity residential areas. In residential areas, short-term rentals are highly regulated to protect long-term housing stock and minimize disruptions from guests coming and going. Therefore, staff find that Hotel is not an appropriate use for S0 and S1 and it should remain Forbidden in these districts.

**New district: S0.a**



The petition proposes adding a new district called S0.a. The majority of commercial and active uses would be Allowed or Conditional in S0.a, making the district act as a small-scale, commercial oriented mixed-use district. Additionally, residential uses in the S0.a district would be limited to 4 units and buildings would be limited to three stories or less.

Height: Because the S0.a district would only allow three stories, most buildings built to these dimensional regulations would not include an elevator, as the state requirement to include elevators in new buildings only applies to buildings that are at least four stories. This means that many fewer units would have the accessibility benefits of elevators. It is important for the planning goals of Squares + Streets that new buildings in the Squares + Streets districts are accessible, helping increase the City's supply of physically-accessible and visitable housing and businesses.

Unit restriction: Although S0.a would only allow up to 4 units, most of the dimensional regulations would be the same as the existing S0 district (including the floor plate maximum of 4,000 sq ft). This means that the regulations would force larger buildings to contain a small number of very large units, and not allow flexibility to create a greater number of smaller units in the same size building. For example, the dimensions allowed in S0.a could allow a building with a gross floor area of approximately 9,600 sq ft (4,000 sq ft floor plate, multiplied by 3 stories, multiplied by 0.8 to account for about 20% of the space being used for things like hallways, stairwells, and mechanicals). If this building contained the maximum number of dwelling units (4), the average size of the units would be 2,400 sq ft - the size of a very large single-family home.

More importantly, the four unit maximum also means that no affordable units would be created in an S0.a district through Inclusionary Zoning. This is because Article 79 (Inclusionary Zoning), which requires projects to make a minimum percentage of units affordable, only applies to projects that contain at least seven units. One of the primary planning goals of Squares+Streets districts is to encourage more affordable housing and housing diversity in mixed-use areas near transit.

Additionally, a district which only allows up to four units is not appropriate as a Squares + Streets district, as one of the primary goals of Squares + Streets is to grow the supply of overall housing in transit-accessible areas. There are areas within the City (including established residential areas near Cleary and Roslindale Square) where a small-scale residential district which only allows up to four units is appropriate, but this should take the form of the residential district, not a Squares + Streets district. The Planning Department's intention has never been to apply Squares + Streets zoning districts to areas where residential zoning districts will be more appropriate. S0 is intended for areas where there is a need for a transitional district between lower-activity residential areas to mixed-use and high-activity Squares + Streets. In Mattapan, S0 is mapped in transitional areas along major corridors that connect with other Squares + Streets Districts. A separate residential zoning process for Mattapan mapped new R1 and R2 districts in the residential areas of the neighborhood, including the allowance for ADUs. The R2 subdistrict allows up to four units if one of those units is an ADU. In addition to Squares + Streets planning, the Planning Department is studying the possibility of allowing more housing in existing other small-scale residential districts through the development of ADUs and updating small-scale residential zoning to better reflect existing context.



## New districts: S2.5

The petition proposes adding a new district called S2.5. The purpose of this district seems to be to act as an Active Main Street (with use regulations similar to the existing S3 district), but with slightly smaller allowed building dimensions, including a height limit of 6 stories (as opposed to 7 stories allowed in the existing S3 district).

Dimensional regulations for proposed S2.5. The proposed dimensional regulations for S2.5:

- S2.5 would have a maximum height of 75 ft /6 stories. This is between the S2 maximum of 65 ft/5 stories and the S3 maximum of 85 ft/7 stories.
- S2.5 would have a maximum lot coverage of 80% on small lots. This is between the S2 maximum of 70% and the S3 maximum of 90%.
- S2.5 would have the same Permeable Area of Lot on small lots as S2 (15%)
- S2.5 would have the same requirements for building floor plate, building width, and rear yard abutting non-residential districts as S3 (20,000 sq ft, 150 ft, and 5 ft)
- The rest of the dimensional regulations are the same as both S2 and S3.

The current Squares + Streets dimensional requirements were based on staff analysis which included review of recent Article 80 development projects, existing contexts across the city, and modern state Building and Energy Code. The dimensional requirements for the existing Squares + Streets districts were specifically calibrated so that each district could meet the needs of a different one of the many types of areas found in Boston's squares and main streets, and to anticipate that continued innovation in mass timber construction may offer new opportunities.

*Height:* Because of the 70' highrise threshold unique to the Massachusetts Building Code, most projects in an S3 district will limit themselves to six stories to avoid the additional safety and performance standards imposed on projects taller than 70' and the significant additional costs associated with these heightened standards. Most conventional construction methods, building mechanical systems, and the ceiling heights required by the real estate market for human comfort simply do not allow for seven-story buildings to be built below 70'. This means that the buildings that would likely be built in the proposed S2.5 district and the existing S3 district would often be the same in height. This makes the introduction of this district an unnecessary complication of the zoning, as it would not create a substantially different built form from the existing S3 district.

Use regulations for proposed S2.5. The majority of the use regulations for S2.5 would be identical to the use regulations for the existing S3 district. This would include requiring active uses to occupy 50% of the building width on the primary frontage on ground floors. S2.5 would differ from S3 in the following ways:

- In S2.5, Food and Beverage Production would be Forbidden in S2.5. In S3, it is Conditional with a use and performance standard that it must include a minimum of 500 sf of accessory or associated Restaurant or Retail use. This means that coffee roasters, breweries, or other uses that produce food and beverage goods on-site would be prohibited in S2.5.



- In S2.5, Accessory Smoking would be Forbidden in S2.5. In S3, it is Conditional in order to account for existing smoking uses in these areas throughout the city, and the special review they require.
- In S2.5, ground floor dwelling units would be Conditional on primary lot frontages. On non-primary lot frontages, ground floor dwelling units would be Allowed with a 4' front yard. In S3, ground floor dwelling units are Allowed with a 4' front yard except for on the primary frontage. On the primary frontage, ground floor dwelling units are Forbidden (instead of Conditional as proposed in S2.5).

*Ground floor dwelling units:* The current regulations for ground floor dwelling units in S3 have not been a topic of concern in conversations with community members. However, staff have heard concerns from community members in Cleary Square, Roslindale Square, and Mattapan about allowing ground floor residential uses along key main street areas. Therefore, we believe making ground floor dwelling units Conditional on the primary frontage is an appropriate change for S2, as it is currently the only Squares + Streets districts which is not intended to be primarily residential (S0-S1) or already makes ground floor dwelling units Forbidden on the primary frontage (S3-S5). In Mattapan, there are many ground floor dwelling units on primary frontages in S2 areas. However, a common concern came up through the engagement process of the quality of these ground floor dwelling units and impacts from the noise and smells from the major corridors they are mapped along. By keeping them Conditional, the existing ground floor units will be able to remain, but the construction of new ground floor units will appropriately include an additional level of review.

*Other use changes.* In S3, Food and Beverage Production is Conditional with a use and performance standard that it must include a minimum of 500 sf of accessory or associated Restaurant or Retail use. This is to allow for opportunities for business like coffee roasters and breweries that might have both production and customer facing space in one location. These can fit well in the S3 district where larger commercial spaces are appropriate. S2.5 has the same large floor plate as S3, which could accommodate uses like Food and Beverage Production. This use is Forbidden in the smaller districts (S0-S2) because of the large scale and potential impacts. Accessory Smoking is Conditional in S3 in order to account for existing smoking uses in these areas throughout the city and require special review for new uses of this kind. Based on its other use regulations and dimensional allowances, S2.5 seems to be intended for active main street areas similar to S3. Therefore, Food and Beverage Production and Accessory Smoking should be Conditional in this district.

### **Recommendation:**

Staff recommends denial of this petition.

In response, however, the Planning Department has initiated an amendment that addresses the components of this petition that are aligned with citywide planning priorities. It includes updates to the regulations for Large Grocery Store, Small and Large Restaurants, Small and Medium Offices, Clinics, Indoor Recreation, and Extra Small, Small, and Medium Entertainment/Events to increase the opportunities for these uses in response to feedback from residents in Cleary Square, Roslindale Square, and Mattapan. The Planning Department amendment also proposes making dwelling units Conditional on the primary frontages in S2 to address



community concerns about ground floor dwelling units. After vetting the amendment in a public process, particularly in Mattapan, staff believe these changes will improve Squares + Streets zoning districts to work citywide. The Planning Department is also studying ways to update small-scale residential zoning to create districts that would best meet the needs of residential areas for which the Squares + Streets districts are not appropriate.

Additionally, this petition represents a first for the Zoning Commission, where a citizen petition has proposed a text amendment with significant impact to many property owners. As a result, staff is preparing a separate zoning amendment that will create expectations for public process for future zoning petitions - including requirements to mail notice to impacted property owners and requirements for a public meeting, incorporating the Planning Department's Language Access Plan, before future petitions come before the Zoning Commission.

Staff commends the petitioners for advancing important reform of direct citizen engagement with the Zoning Code and zoning reform.

Reviewed,

A handwritten signature in blue ink, appearing to read 'Ames Ranta'.

Planning and Zoning Director,

Planning Department