



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)

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 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 and growth opportunities, 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, but the actual application of those districts in local parts of Boston is happening after community engagement processes and analysis of local contexts through the Squares + Streets Small Area Plans or other planning initiative. So far, the Squares + Streets districts have been mapped in Mattapan, and Small Area Plan processes have started in Cleary Square, Roslindale Square, Fields Corner, and Codman Square + Four Corners.

This petition (received on June 4, 2024) was initiated by 22 residents, who provided the Planning Department an email for the Hyde Park Neighborhood Association as a point of contact for the petition. The petition is in response to their concerns about the Cleary Square Small Area Plan and potential rezoning in Hyde Park. However, these are citywide districts which have already been mapped in one part of the City (Mattapan) and which will be used in other neighborhoods that undergo Squares + Streets Small Area Plans. Therefore, 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 completed in order to draft and adopt the zoning text for the existing Squares + Streets zoning districts.

Text amendment 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, three of which occurred



before the draft release and focused on staff's early analysis and provided an opportunity for residents to give initial feedback on the direction of the zoning, and three of which occurred after the draft release and focused on presenting and hearing feedback on the December 5, 2023. Each of these meetings were attended by about 115 community members on average.

A full draft of the amendment (with accompanying reference guides) was released for the public on December 5, 2023 for an approximately two-month public comment period. During this time, staff received over 240 comments via an online public comment form as well as 38 public comment letters via mail or email. All public comments and letters received were shared weekly in the BPDA's Zoning Notices & Updates Newsletter. On February 12, 2024, the BPDA released a document containing individual responses to all of these comments and letters.

Staff also held one to two recurring community office hours per week between November 1, 2023 and March 6, 2024 (a total of 36 sessions), which allowed staff to have one-on-one and small group conversations with residents. Staff also held five 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.

Following this engagement process, the BPDA released a revised draft of the amendment on February 12, 2024 which incorporated feedback from the public and other City partners. This draft included annotations explaining all changes made since the December 5th draft, as well as aspects of the amendment that were sources of confusion throughout the engagement process.

Mattapan: In May 2024, the Squares + Streets districts were mapped in Mattapan based on the recommendations of PLAN: 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 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. A draft zoning amendment for the Greater Mattapan Neighborhood District (Article 60) and draft Zoning Maps 6B/C were released for the public on December 5, 2023. The draft zoning amendment was announced through the Mattapan neighborhood mailing list, local newspapers, and postcard mailers. In early January, 2024, over 500 postcards were mailed to each property and property owner within the proposed zoning districts. There were four virtual public meetings with an average of 20 attendees per meeting. There was one in-person meeting held on January 24, 2024 at the Mattapan Community Health Center, geared towards business and property owners within the proposed zoning districts; 20 business and/or property owners were in attendance. This meeting was held in conjunction with the Office of Economic Opportunity and Inclusion, and included staff from the Mayor's Office of Housing, the Licensing Department, and the Inspectional Services Department. Staff created eight office hours opportunities, of which four were held due to interest and advance sign-ups. Staff also attended the Greater Mattapan Neighborhood Council meeting on January 8, 2024 to discuss the zoning and solicit feedback.



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, scheduled for mid October. This event 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. The reception 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 Framework, which is the section of the plan that will outline the goals and priorities for future development scale and land use activity. The Land Use Framework will be used to inform the 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 amendment has four main components:

- **Replacing the existing S2 district with two new districts called S2.a and S2.b.** S2.a would be the same as the existing S2 (except for proposed changes to all districts later in the amendment). S2.b would have the same dimensional regulations as the existing S2, but also require that the majority of the ground floor be occupied by Active Uses. S2.b would also have less restrictive use regulations than the existing S2 district, particularly on upper floors.
- **Replacing the existing S0 district with two new districts called S0.a and S0.b.** The new S0.a district would only allow residential uses up to 4 units (as opposed to 14 units allowed in the existing S0). S0.a would also have a lower allowed height (35 ft/3 stories as opposed to 50 ft/4 stories), higher permeable area of lot (30% as opposed to 20%), and a higher side yard when abutting a residential zoning district (14 ft as opposed to 14 ft cumulative). A number of uses which are currently conditional uses in S0 would also be forbidden in S0.a (Community Center, Small Grocery Store, Small Restaurant, Small Retail Store, and Social Club). The amendment also proposes allowing 3 detached buildings on lots in S0.a and 4 detached buildings on lots in S0.b (currently multiple detached buildings are not allowed on a single lot in S0).
- **Changing the use regulations for some uses in all the Squares + Streets districts,** including the existing districts of S1, S3, S4, and S5, as well as the proposed districts of S0.a, S0.b, S2.a and S2.b. These changes include making Gas Stations allowed in S1-S5, making Indoor Recreations conditional in S1-S5, and making all Commercial Uses allowed on the first and second floors in S0.b-S2.b and on all floors in S3-S5.
- **The addition of a minimum parking requirement** at the rate of one parking space per residential unit or 1,000 sq ft of retail, commercial, or office space in all of the Squares + Streets districts S1-S5.

Function issues: The amendment cannot be adopted as written without damaging the function of the Code. Firstly, the amendment includes deleting the S0 and S2 districts, which means it



would need to be accompanied by a mapping amendment which replaces S0 and S2 with new districts in the areas where they are currently mapped in Mattapan. The new districts established in the amendment (S0.a, S0.b, S2.a, and S2.b) also must be established in Articles 11 and 89. The amendment also refers to “BPDA design review,” which does not indicate a specific legal process. The authors likely intended this to mean “The Design Component of Small Project Review.”

In addition, there are a series of formatting components that have complicated the Planning Department’s understanding of the amendment. The strikethroughs and text colors in the amendment do not accurately reflect the text changes, as some amended text is shown in black and some existing text is shown blue. This creates confusion, as some existing text is not shown in the amendment (such as footnote references in Table B), but it is not clear whether or not this text was removed intentionally and is included in the proposed changes of the amendment. Additionally, on page 2, the amendment mentions “S.6” (presumably meaning S5), there is the occasional use of the letter O instead of the number 0 in the naming of the S0/S0.a/S0.b districts, and there is inconsistency in the use of periods in the formatting of the district names (ie “S2b” “S.2b” and “S2.b” are all used in the amendment). While the Planning Department has made a good faith assumption of intent of the amendment in preparing this report, we highlight these drafting questions may create unresolved assumptions or errors.

New districts: S2.a and S2.b

S2.a and S2.b vs existing S2: The amendment proposes replacing the existing S2 district with two new districts called S2.a and S2.b. The existing S2 Main Street Mixed Use district is a small- to medium-scale mixed-use district that allows many active and commercial uses, especially on the ground floor. S2 buildings can fill the width of the lot to help create a continuous and active main street. S2 also includes requirements for Outdoor Amenity Space and a maximum for the blank wall of a facade. S2 is currently mapped in four locations in the Mattapan Square area: two stretches of Blue Hill Avenue, a small area along the Neponset Esplanade Park, and another area around the Morton Street MBTA station. These areas were mapped as S2 because of the existing commercial and active uses and zero lot line conditions, as well as residential development. These areas do not include a consistent stretch of mixed-use buildings, but rather a mix of residential and active uses across different, abutting parcels.

In the proposed amendment, S2.a would be the same as the existing S2 (except for proposed changes to all districts later in the amendment). S2.b would have the same dimensional regulations as the existing S2, but also require that the majority of the ground floor be occupied by Active Uses. S2.b would also have less restrictive use regulations than the existing S2 district, particularly on upper floors.

Concerns about ground floor residential uses: The proposed changes reflect concerns staff have heard from residents in Cleary Square, Roslindale Square, and Mattapan about allowing ground floor residential uses along key main street areas. Residents’ primary concerns seem to be the possible displacement of existing, small storefronts and loss of commercial activity in important commercial and mixed-use corridors in favor of all-residential development.

Squares + Streets vs existing neighborhood zoning: Many of Boston’s existing neighborhood zoning districts (including Hyde Park and Roslindale) make residential uses forbidden or conditional on the ground floor in all business districts. The Squares + Streets districts do not



include this provision. The districts do include a provision that requires that 50% of the ground floor of buildings in the S3-S5 districts be occupied by Active Uses (Civic Uses, Open Space Uses, and affordable housing are exempt from this requirement). Active Uses are limited to a small number of highly active uses (such as restaurants and retail stores) but do not include other commercial uses (such as offices) that are currently allowed on the ground-floor of Cleary Square, Roslindale Square, and many other mixed use areas of the city. Therefore, this provision not only effectively prohibits residential on the ground floor in these districts because residential is not an Active Use, but also restricts commercial uses that are otherwise present are allowed in ground floor spaces.

Reasoning for current active use requirement: As part of the drafting of the existing Squares + Streets districts, staff heard significant public comment, from residents and from property owners, on the following issues related to active ground floors.

First, the current system of prohibiting ground floor residential uses frequently results in unideal outcomes. On many sites, secondary or tertiary facades of the building on the ground floor may be a great place for residential uses, particularly where mixed-use areas are in close proximity to smaller-scale residential uses. Relatedly, S2's existing regulations make it useful for mapping in areas that do not include a consistent stretch of mixed-use buildings, but rather a mix of residential and active uses across different, abutting parcels. Because this describes much of the area where S2 is mapped in Mattapan, requiring active uses in S2 would create significant non-conformities in that neighborhood, as there are many multi-family residential buildings with ground floor residential units in those existing S2 areas.

Additionally, staff has heard extensively from community members about how such commercial uses as banks, real estate offices, and others may be commercial, but they do not offer the same desired level of amenity and activity that retail, restaurants, and other active uses do. For example, in addition to the concerns about ground floor residential uses, there has also been some divergent feedback in Cleary Square about Office (a commercial but not active use), with some residents expressing that this use should not be allowed on the ground floor in Cleary Square's business districts, but some others expressing that this use should be allowed only on the ground floor.

Finally, staff heard concerns about the proliferation of vacant retail space, and the challenges of filling it as retail, dining, and other uses continue to evolve. During the text amendment writing process and based on review of recent Article 80 development projects and existing contexts across the city, staff determined that (although active uses should be allowed throughout S2) the dimensions allowed in the S2 district would not produce a density able to reliably support requiring a minimum area of active uses on the ground floor of each building.

As a result, staff developed the active use requirement to require desired active uses at a building and zoning district (the S3, S4, and S5 districts) that produce new development large enough to require each building to include active uses. While active uses are widely allowed and encouraged in S2 as drafted, the scale of this district may not be sufficient to require that a building must contain a retail store, restaurant, or other active use to comply with zoning.

Recommendation: Staff is drafting an amendment which would address concerns about ground floor dwelling units in S2 in a more targeted way by making this use conditional on the ground floor on primary frontages. For example, if S2 were mapped on Fairmount Ave in Cleary Square (one of the main commercial corridors in the area), a proposed building with ground floor



dwelling units in a part of the building that fronts onto Fairmount Ave would be required to include allowed uses (like retail, services, and other commercial uses), or otherwise obtain a conditional use permit from the Zoning Board of Appeal. However, if a building was proposed on a corner lot with frontage on Fairmount Ave as well as a side street (such as Davison St or Pierce St), dwelling units would be allowed on the ground floor on that side street (the secondary frontage), as long as the part of the building that fronts onto Fairmount Ave is occupied by another non-residential use (such as any allowed commercial or active use).

This addition to the zoning would help ensure the effects of ground floor dwelling units are mitigated in areas where more active and commercial conditions are desired. As part of Small Area Plans, staff will also continue to document where active ground floor uses are desired in areas where smaller-scale and lower-density districts are applied (as these uses will be allowed but not required in these districts). These desires will be reflected in the land use framework and place-specific design guidelines of the plan.

Use allowances S2.b: The amendment also includes making the following uses allowed on all floors in S2.b: Clinic, Extra Small and Small Entertainment/Events, Small and Medium Office, and Small Restaurant. Currently, Extra Small and Small Entertainment/Events as well as Small Restaurant are allowed uses on the ground floor and forbidden on upper floors in the S2 district, while Clinic and Small and Medium Office are allowed uses on the ground floor and conditional uses on upper floors in S2. This aspect of the amendment reflects comments staff have heard about the importance of upper story offices and clinics in the existing Cleary Square character. There has also been a strong desire for entertainment/event spaces expressed in both Cleary Square and Roslindale Square.

Recommendation: Although the current S2 zoning regulations currently conditionally allows upper story offices and clinics, both Cleary Square and Roslindale Square have provided examples of how a Main Street Mixed Use District could have upper story offices and clinics that fit very appropriately. Staff is therefore studying the possibility of amending the S2 use regulations to make these uses allowed rather than conditional on upper stories. It may not be appropriate to amend Extra Small and Small Entertainment/Events to be allowed in S2, as this use is more likely to have negative noise impacts on potential neighboring residential properties when it exists on upper stories. However, staff is studying the possibility of amending the regulations of Entertainment/Events to be conditional rather than forbidden on upper stories, as the Riverside Theatreworks in Cleary Square has provided an example of Small Entertainment/Events which takes up two stories and would fit well in a small scale commercial or mixed use district. Lastly, staff is also studying the possibility of making Small Restaurants conditional on upper stories in S2, as the current regulations could disadvantage smaller businesses (as large restaurants are currently allowed on upper stories while small restaurants are forbidden). Residents in Cleary Square have also expressed divergent views on the allowance of restaurants on upper floors, and so a conditional use may be most appropriate.

New districts: S0.a and S0.b

S0.a and S0.b vs existing S0: The amendment proposes replacing the existing S0 district with two new districts called S0.a and S0.b. The new S0.a district would only allow residential uses up to 4 units (as opposed to 14 units allowed in the existing S0). S0.a would also have a lower allowed height (35 ft/3 stories as opposed to 50 ft/4 stories), higher permeable area of lot (30% as opposed to 20%), and a higher side yard when abutting a residential zoning district (14 ft as opposed to 14 ft cumulative). Otherwise, the proposed district retains the existing dimensional



requirements of S0, which include a maximum floorplate of 4000 sf. A number of uses which are currently conditional uses in S0 would also be forbidden in S0.a. These uses are Community Center, Small Grocery Store, Small Restaurant, Small Retail Store, and Social Club.

The purpose of this proposed S0.a district seems to be to act as a strictly residential district which can be mapped in existing small scale residential areas where 14 units would not be appropriate. However, the Planning Department's intention has never been to apply Squares + Streets zoning districts to these types of 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 addition to Squares + Streets, the Planning Department is studying the possibility of allowing more housing in existing small-scale residential districts through the development of ADUs and by updating small-scale residential zoning to better reflect existing context.

Multiple buildings allowed on lot: The amendment also proposes allowing three detached buildings on lots in S0.a and four detached buildings on lots in S0.b. Currently, the Squares + Streets zoning forbids multiple detached buildings on a single lot in the S0 and S1 districts, which was included in response to concerns raised by residents during the text amendment drafting process about potential lot consolidation as well as demolitions of existing small buildings. On small lots (which will be more prevalent in the S0 and S1 districts), buildings are more likely to reach the maximum lot coverage requirement before reaching the maximum floor plate requirement. Allowing multiple buildings on lots could incentivize the combining of small lots, as combining lots would create a loophole that allows for a larger total square footage possible under the lot coverage requirement by building multiple buildings that meet the maximum floor plate requirement. This would allow developers to buy multiple parcels, demolish existing buildings, and build multiple S0 or S1 scale buildings on the new large lot.

While this would be detrimental to smaller lots, on larger lots (which will be more prevalent in the S2-S5 districts), allowing multiple buildings on a single lot is beneficial because it allows developers to break down a single, large building into multiple small buildings in order to maximize the allowed lot coverage without exceeding the allowed width or floor plate, achieving improved urban design outcomes for the site.

Other use changes: The amendment also includes a few use changes which would affect the other existing Squares + Streets districts of S1, S3, S4, and S5, as well as the proposed districts of S0.a, S0.b, S2.a and S2.b.

Commercial uses: Firstly, the amendment proposes adding text in Article 26 which states that "Commercial uses" shall be an allowed use on the first and second floors in all Squares + Streets districts S0.b through S2.b, and on all floors of Squares + Streets districts S2 through S5. This represents a substantial change to the use allowances, as it would change the regulations for 12 uses across all of the Squares + Streets districts (including districts which are already mapped in Mattapan). In addition, this is not consistent with community desires staff have heard throughout Squares + Streets community engagement, as it would allow uses like adult entertainment, labs, and drive-ins, but not allow uses like retail stores and restaurants (since the latter are defined "Active Uses" which is distinct from "Commercial Uses" in the zoning).

Recommendation: However, staff also recognizes that the petitioner's intentions may have been to include Active Uses in this provision. Relatedly, staff is working on an amendment to clarify



this aspect of the zoning, as discussing Active Uses and Commercial Uses as mutually exclusive categories has been confusing for residents throughout the Squares + Streets planning processes.

Gas stations: The amendment also includes making Gas Stations allowed in S1-S5. Gas stations are currently forbidden in the majority of the study areas in both Cleary Square and Roslindale Square. There is currently one gas station existing within the Cleary Square study area and two within the Roslindale Square study area. All three of these gas stations fall within existing subdistricts where gas stations are forbidden, making them existing non-conforming uses. Making gas stations allowed where they are currently forbidden or conditional is not consistent with the planning goals established in the Hyde Park Neighborhood Strategic Plan or the Roslindale Neighborhood Strategic Plan, which both recommend prohibiting auto-oriented uses such as gas stations in Cleary Square and Roslindale Square respectively. It is also not consistent with the goals of the Squares + Streets initiative, which is focused on encouraging more active and pedestrian oriented uses in transit-rich areas. Additionally, during the Mattapan planning and rezoning process, residents expressed significant concern about auto-oriented uses such as auto body shops and gas stations because of how these uses can disrupt the public realm with large curb cuts.

Indoor recreation: The last use change proposed in the amendment is to make indoor recreation conditional in S1-S5. This would make this use less restricted in the S1 and S2 districts, where it is currently forbidden, and more restricted in the S3, S4 and S5 districts, where it is currently allowed or allowed on the ground floor.

Recommendation: Staff is studying the possibility of amending this use allowance in S2 from forbidden to conditional, as some residents have voiced a desire for these types of establishments in Cleary Square and Roslindale Square (particularly during youth focus groups).

Off-street parking: Lastly, the amendment includes a provision for S1-S5 requiring one parking space per residential unit or 1,000 sq ft of “retail, commercial, or office space” which may be “adjusted or waived during BPDA design review without requiring Zoning Board of Appeal grant of variance.” Firstly, “BPDA design review” (technically “the Design Component of Small Project Review”) cannot legally supersede parking requirements, as there is no transportation analysis included in this review process. The Squares + Streets districts currently do not have minimum parking requirements, which helps support a number of planning goals of the Squares + Streets initiative. Firstly, the Squares + Streets districts were created to be used in transit-rich areas where there is a lower need for parking. Additionally, not requiring parking in zoning helps allow property owners to more easily make small improvements to their properties (such as use changes or additions) which would trigger a parking violation under the existing zoning. Parking minimums can also create worse urban design outcomes as ground floors must be reconfigured to accommodate parking. During the process to adopt the Squares + Streets zoning districts, staff received extensive public comment in support of not including parking requirements.

Recommendation:

Staff recommends denial of this petition. However, given the fact that several salient points have been made by the petitioners, staff is actively preparing a redrafted amendment. This amendment will include updates to the regulations for Small and Large Restaurants, Small and



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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 redrafted amendment will also include reformatting the use table to clarify the meaning of Active Uses, as the current structure that separates Active and Commercial uses into separate categories has been confusing for residents across Squares + Streets engagement processes. Lastly, the redrafted amendment will propose making dwelling units conditional on the primary frontages in S2 to address community concerns about ground floor dwelling units. After vetting the redrafted amendment in a public process, particularly in Mattapan, staff believe these changes will help advance and refine Squares + Streets zoning districts to work citywide.

Additionally, 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 to be hosted 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