

Offered by Councilors Kenzie Bok and Matt O'Malley, Arroyo, Edwards, Flaherty, Breadon, Bok, Flynn, Mejia, Essaibi-George and Campbell



## CITY OF BOSTON IN CITY COUNCIL

### AN ORDER REGARDING A TEXT AMENDMENT TO THE BOSTON ZONING CODE WITH RESPECT TO PARKING MINIMUMS FOR AFFORDABLE HOUSING

*WHEREAS:* The City of Boston confronts an affordable housing crisis, with 49.6% of Boston area renters “rent-burdened” by devoting more than 30% of their income to housing costs, more than 50,000 families on the waiting list for a Boston Housing Authority public housing unit, and far too many homeless families in shelter; *and*

*WHEREAS:* A number of recent efforts have either prevented the construction of affordable housing or added considerable delay and expense to efforts to build affordable housing in the City of Boston by objecting to the issuance of a variance to the off-street parking minimums required by the Boston Zoning Code; *and*

*WHEREAS:* These objections are being raised both at the Zoning Board of Appeals and in courts of law, most recently in regard to proposed projects at 3377 Washington St., 3371 Washington St., and 37 Wales St.; *and*

*WHEREAS:* Such efforts are too often a cynical ploy to extract concessions for private interests or to frustrate a critical public need for more affordable housing for the sake of those private interests, at the expense of the most vulnerable members of our society; *and*

*WHEREAS:* The State’s recently-passed Housing Choice law includes a provision which will go some way towards reducing certain frivolous lawsuits against housing developments by requiring filers to post a significant bond, but the opportunity for such lawsuits could be most effectively reduced by altering the provisions of the Boston Zoning Code most often being used as their pretext; *and*

*WHEREAS:* The “Perfect Fit Parking Initiative: Phase II Report” published by the Metropolitan Area Planning Council in July 2019 found that the parking built as part of multifamily housing development across Boston and the region is going largely underutilized; *and*

*WHEREAS:* Every parking space built or acquired for an entirely affordable housing development diminishes the funds available for additional affordable housing units; *and*

*WHEREAS:* Affordable housing built in the City of Boston is typically accessible by mass transit, whether by bus, subway, or light rail, and transit-oriented development without parking is critical to meeting Boston’s climate goals; *and*

*WHEREAS:* Our first duty is to build a city for people, not for the storage of vehicles; *NOW THEREFORE BE IT*

*ORDERED:* That the Boston City Council, by and through Councilors Kenzie Bok and Matt O’Malley, submits a petition to amend the text of the Boston Zoning Code.

Filed on: May 19, 2021

Text Amendment Application No. \_\_\_\_  
Boston City Council

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by Boston City Councilors Kenzie Bok and Matt O’Malley petition to amend the text of the Boston Zoning Code as follows:

1. In ARTICLE 23, OFF-STREET PARKING **Section 23-1, Residential Uses**, delete existing footnote † and insert the following footnote †:

† or, in the case of residential housing entirely for persons of low-income, no off-street parking shall be required. Residential housing entirely for persons of low-income shall be considered to describe those projects where all proposed residential units are income-restricted at or below the maximum income level permitted for affordable units under the requirements of the City of Boston’s Inclusionary Development Policy.

2. In the following Articles:

- Article 38** (Midtown Cultural District)
- Article 39** (North Station Economic Development Area)
- Article 40** (South Station Economic Development Area)
- Article 41** (Huntington Avenue/Prudential Center District)
- Article 43** (Chinatown District)
- Article 44** (Leather District)
- Article 45** (Government Center/Markets District)
- Article 46** (Bulfinch Triangle District)
- Article 47A** (Cambridge Street-North District)
- Article 48** (Stuart Street District)
- Article 49** (Central Artery Special District)
- Article 49A** (Greenway Overlay District)

**Article 50** (Roxbury Neighborhood District)  
**Article 51** (Allston-Brighton Neighborhood District)  
**Article 52** (Dorchester Avenue Neighborhood District)  
**Article 53** (East Boston Neighborhood District)  
**Article 54** (North End Neighborhood District)  
**Article 55** (Jamaica Plain Neighborhood District)  
**Article 56** (West Roxbury Neighborhood District)  
**Article 57** (Saint Vincent Neighborhood District)  
**Article 58** (City Square Neighborhood District)  
**Article 59** (Mission Hill Neighborhood District)  
**Article 60** (Greater Mattapan Neighborhood District)  
**Article 61** (Audubon Circle Neighborhood District)  
**Article 62** (Charlestown Neighborhood District)  
**Article 63** (Bay Village Neighborhood District)  
**Article 64** (South End Neighborhood District)  
**Article 65** (Dorchester Neighborhood District)  
**Article 66** (Fenway Neighborhood District)  
**Article 67** (Roslindale Neighborhood District)  
**Article 68** (South Boston Neighborhood District)  
**Article 69** (Hyde Park Neighborhood District)  
**Article 70** (Beth Israel Hospital Institutional District)  
**Article 71** (Massachusetts College of Pharmacy Institutional District)  
**Article 72** (New England Deaconess Hospital Institutional District)  
**Article 73** (Dana-Farber Cancer Institute Institutional District)  
**Article 87A** (Olmsted Green Smart Growth Overlay District)  
**Article 90** (New Market Industrial-Commercial Neighborhood District)

Wheresoever a section, table, or appendix shall set forth a minimum number of parking spaces to be required for a Residential Use, at the end of the “Footnotes” section shall be inserted:

\* or, in the case of residential housing entirely for persons of low-income, no off-street parking shall be required. Residential housing entirely for persons of low-income shall be considered to describe those projects where all proposed residential units are income-restricted at or below the maximum income level permitted for affordable units under the requirements of the City of Boston’s Inclusionary Development Policy.