

OFFERED BY COUNCILORS JOHN FITZGERALD, EDWARD M. FLYNN, BREADON, COLETTA ZAPATA, CULPEPPER, DURKAN, LOUIJEUNE, MEJIA, MURPHY, PEPÉN, SANTANA, WEBER, AND WORRELL



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

AN ORDER REGARDING A TEXT AMENDMENT TO THE BOSTON ZONING CODE WITH RESPECT TO RETAIL ZONING

WHEREAS, Small businesses and locally owned mom and pop shops are the backbone of our communities and continue to be vital in all neighborhoods in the City of Boston. Big businesses and companies with deep pockets continue to put our small businesses at risk of being displaced; *and*

WHEREAS, The South End depends on active retail storefronts to support walkability, public safety, and vibrant streets. For many, these storefronts are a lifeline as a reliable source of fresh food and an essential part of daily life in the neighborhood, including thousands of neighbors living in public housing at Boston Housing Authority (BHA) Ruth Barkley Apartments (Cathedral), affordable housing at IBA's Villa Victoria and Castle Square Apartment Complex, and neighbors without access to a car; *and*

WHEREAS, With areas in close proximity to BHA public housing developments or affordable housing, access to daily necessities and fresh food is especially critical with the high cost of living and inability to afford delivery fees. The loss of a site for a retail grocery store raises serious concerns about hunger and food accessibility, especially for our seniors and working families. Many workers may also be South End residents, women, and neighbors from communities of color; *and*

WHEREAS, Due to ongoing concerns regarding public process, it is important that neighborhood voices are heard and streetscape remains consistent. It is critical that the City of Boston remains committed to main streets engagement on local priorities, services and amenities that our communities rely on in the development process, but also that neighbors continue to invest in the charm of their neighborhoods by shopping local; **NOW, THEREFORE BE IT**

ORDERED, That the Boston City Council, by and through Councilors John FitzGerald and Edward Flynn, submits a petition to amend the text of the Boston Zoning Code.

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

Boston City Council through and by Boston City Councilors John FitzGerald and Edward Flynn petition to amend the text of the Boston Zoning Code by inserting the following new section to Article 64 following Section 64-19:

Section 64-20 Restrictions on Change of Use of Local Retail Grocery Businesses

The Commissioner of the Inspectional Services Department shall not issue a change of use permit for any ground floor retail establishment primarily engaged in selling a range of food products, including fresh produce, meats, and dry goods, for off-premises consumption, except in accordance with this section.

1. **Change of Use Standards.** Where a change of use has been requested, the Commissioner of the Inspectional Services Department may issue a change of use permit for such sites, only upon a finding of the Zoning Board of Appeal that:
 - a. Change of Use of such site will not completely deplete the area of Local Retail Grocery Businesses as described above.
 - b. Such change of use is sensitive to the needs of residents living in the adjacent residential area.
 - c. Such change preserves an active, safe streetscape, including clear, lit storefront windows and a use that supports foot traffic, walkability, and public safety.

2. **Community Process.** The Zoning Board of Appeal shall report their findings to the Commissioner of the Inspectional Services Department upon the conclusion of a community process that:
 - a. Provides notice of the potential change of use to the residents living in the Neighborhood Development Area.
 - b. Includes a public hearing to hear from residents, business groups, and institutions in the Neighborhood Development Area.
 - c. Elicits recommendations for consideration from the South End/Lower Roxbury Working Group or its successor organization.

Petitioner: Boston City Council

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