



BOSTON CITY COUNCIL

Committee on Government Operations
Lydia Edwards, Chair

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REPORT OF COMMITTEE CHAIR

October 20, 2021

Dear Councilors:

Docket #0685, an order regarding a text amendment to the Boston Zoning Code with respect to parking minimums for affordable housing, was sponsored by Councilor Kenzie Bok, and referred to the Committee on May 19, 2021. The Committee held a hearing on October 5, 2021 and heard comments from the public. The Committee held a working session on June 22, 2021.

Summary of Legislation:

Docket #0685 is a proposed text amendment to the Boston Zoning Code which would eliminate parking minimums for residential housing that is entirely for persons of low income. This order seeks to amend the current process which requires parking minimums and leaves the City open to litigation. This proposal will prevent the use of parking minimum requirements to prevent affordable housing.

Information Gathered at the June 22 Working Session:

The Committee discussed that the order would only apply to residential units that are 100% affordable. The Committee discussed parking needs, affordable housing in the City, and the impact and extent of this proposal. The Committee recognized that a housing crisis exists in the City of Boston. The Committee discussed that parking minimums have been used in a negative way and that this order will prevent using the parking minimum requirement to prevent affordable housing. The Committee also discussed that the current process leaves the City open to litigation because of minimum parking requirements. The Committee recognized that the City needs more affordable housing and that having parking minimum requirements should not be used as a means to prevent affordable housing.

The following individuals participated on behalf of the Administration Bryan Glascock, Deputy Director, Regulatory Planning and Zoning, Boston Planning and Development Agency; and Jessica Boatright, Department of Neighborhood Development (“DND”). Mr. Glascock summarized transportation issues and Ms. Boatright discussed the City’s affordable units including the current affordable housing projects.

Information Gathered at the October 5 Hearing:

The following individuals testified on behalf of the Administration:

- Tim Davis, Deputy Director, Policy Development and Research, DND;
- Jessica Boatright, Deputy Director, Neighborhood Housing Development;
- Bryan Glascock, Deputy Director for Regulatory Planning and Zoning, Boston Planning and Development Agency;
- Vineet Gupta, Director of Planning, Boston Transportation Department; and,
- Alaa Mukahhal, Planner, New Mobility Team.

The Committee discussed ways to facilitate affordable housing in Boston. The Committee discussed that currently in the Zoning Code there is a legal requirement for parking minimums and this legal requirement is being used to prevent affordable housing.

The Committee discussed suggested language changes from DND that would define affordable projects and how projects get reviewed for parking needs. The language changes proposed by DND would eliminate the need for off-street parking in the case of affordable residential housing projects where at least 60% of the residential units are income restricted at or below 100% of the Area Median Income. The Committee also discussed changes to include Article 42A, Article 42B, and Article 42E.

The Administration and the Committee discussed that parking requirements cost developers more and that cost is passed on to tenants. The Administration and the Committee were supportive of building more affordable and supportive housing and not being prohibited by parking minimums to prevent affordable housing from being built.

The Committee discussed that this change will only apply to a small amount of projects. The Committee also discussed that the need for parking is often a central issue with some projects and that there will still be a process for community feedback to assess that need. Comments from the public reflected support for the text amendment and the changes.

Summary of Amendments

Based on information gathered at the working session and the hearing, the docket has been amended from its initial filing to define affordable housing projects and to add articles to the list.

Under Section 1, Article 23, Off-Street Parking Section 23-1, Residential Uses, is amended by eliminating the need for off-street parking in the case of affordable residential housing projects where at least 60% of the residential units are income restricted at or below 100% of the Area Median Income. The new language appears as follows: † or, in the case of affordable residential housing, no off-street parking shall be required. Affordable residential housing shall be considered to describe those projects where at least 60% of the proposed residential units are income-restricted at or below 100% of Area Median Income (AMI), as defined by the U.S. Department of Housing and Urban Development.

In Section 2, the following articles are added: **Article 42A** (Harborpark District, North End/Downtown Waterfront and, Dorchester Bay/Neponset River Waterfront); **Article 42B** (Harborpark District - Charlestown Waterfront); **Article 42E** (Harborpark District - Fort Point Waterfront).

The last paragraph of the order is amended as follows: * or, in the case of affordable residential housing, no off-street parking shall be required. Affordable residential housing shall be considered to describe those projects where at least 60% of the proposed residential units are income-restricted at or below 100% of Area Median Income (AMI), as defined by the U.S. Department of Housing and Urban Development.

Rationale and Recommended Action:

Docket #0685 will make it easier to get more affordable units in the City and not open affordable development to litigation. Affordable, senior, and supportive housing developments are often delayed, stalled, or reduced in size due to lawsuits on the basis of parking. The text amendment in its amended draft will eliminate parking minimums for residential developments where at least 60% of the units are income restricted at 100% Area Median Income or below. The change to 60% was made based on feedback from housing experts in the City of Boston. The change was made because senior or supportive housing projects contain one or two manager or support staff units so they are not 100% affordable. This text amendment will only apply to a small number of projects and does not prevent the appropriate amount of parking from being provided. This text amendment will remove the option to use parking minimums to stall affordable developments.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0685, an order regarding a text amendment to the Boston Zoning Code with respect to parking minimums for affordable housing,

submits a report recommending that this order **ought to pass in a new draft.**

For the Chair:

A handwritten signature in cursive script that reads "Lydia Edwards".

Lydia Edwards, Chair
Committee on Government Operations