

## **Meeting Minutes, May 8, 7:30-9:00 PM (via Zoom)**

**Committee Members Present:** Jonathan Klein (chair), Steve Heikin, Kimberley Richardson, Amy Schectman (minutes), Alice MacGarvie, Marion Freedman-Gurspan, Teronda Ellis,

**Committee Members Absent:** Rita McNally

**Staff Present:** Jessica Jean-Louis, Community Engagement Assistant

Jonathan called the meeting to order at 7:35.

### **1. Minutes**

Steve Heiken moved, and Marian Freedman-Gurspan seconded, that the minutes of the April 15 meeting be approved. On roll call vote, all voting members approved, other than Teronda who abstained because she was not present.

### **2. Introductions**

Jonathan welcomed Teronda Ellis who introduced herself. She is CEO of Jamaica Plain Neighborhood Development Corporation, Boston native, Brookline resident since 2019. She has felt welcomed to Brookline and happy to “give back” by participating in this committee. Everyone agreed to have the meeting go to 9:00 pm if needed.

### **3. Public comment**

Elizabeth Medalia: she is new to the process and has a question. She has been living in Brookline all these years and now interested in housing, and does not understand why parking isn't attached to housing issues? There need to be ground rules that new housing should include parking on ground level, or multi-level garages. Jonathan replied that, in this committee, we are considering a potential Affordable Housing Overlay District; when we get to the details, we will certainly be discussing parking, along with all other zoning requirements, but we are not there yet. Today we are hearing an educational presentation to learn more about zoning basics.

David Pollak: Congratulations to you from the bleachers, happy to see this work get underway. I am a TMM from Precinct 11 and on the Advisory Committee, and Chairing the Land Use and Sustainability Subcommittee, which helped formulate the final Warrant Article language forming our committee. Glad to see it get started.

There were no other public comments.

### **4. Zoning 101 Presentation.**

Jonathan: This meeting is about Zoning 101. The plan for our next meeting is to have someone from Cambridge talk about Cambridge AHOD. The Powerpoint we will be using tonight was pre-distributed and is in public record in the “Document Center” where all the related documents will be kept. [Editor's note: you can access it here:

<https://www.brooklinema.gov/DocumentCenter/Index/4021>]

Marion: asked about what an overlay district means in relation to zoning? How do they relate?

Jonathan: an overlay district lays on top of underlying district and supersedes underlying zoning—for example, if a lot is only for single-family, an overlay might say could be 2-family. We have other overlay districts, for example, we have transit overlay in all of north Brookline, which changes parking requirements. The Emerald Island Overlay (near Route 9 in Brookline Village) allows commercial development. Overlay districts trump the underlying zoning.

Marion: If we move to form-based zoning, how would that work?

Steve: an overlay district does dominate—example: where the hotel at corner of Route 9 and Brookline Avenue—made a hotel which wasn't allowed in underlying zoning. If form-based

zoning is approved, and later we decide to add an AHOD, if someone developed something all-affordable, it would not need to comply with underlying zoning.

Jonathan then shared the Powerpoint Presentation, which you can find here:

<https://www.brooklinema.gov/DocumentCenter/View/41436/AHOD-Study-Committee--Zoning-Presentation-May-8-2023pptx>

Some of the questions and comments during and after the presentation are noted below (although many focused on the MBTA Communities Act, which is on everyone's mind, and not the possibility of an AHOD).

Question: difference between local business district and general business district? REsponse: In local business district stores are limited to 5000 square feet.

Parking: impact on side streets should be considered. But we don't allow overnight parking on the street.

Question: special permit is a little thing and variance is a big thing?

Answer: ask for a special permit if there's a good reason, that's a minor change for something already allowed in the zoning code in principle. If nowhere addressed in zoning, you need variance. Also special permits tend to be more minor changes. Also, variances are often overturned by courts whereas special permits are often upheld.

Steve: Thanks to case law at state level, if there's a pre-existing non-conforming use, if somebody wants to make any changes, under state law additional relief is now allowed, where only criterion is that what's requested is not significantly detrimental to the neighborhood.

Question: on pre-existing non-conforming, how can they add height?

Answer: if already is above current height, they can go even higher. They can tear down a building and build a new one exceeding current zoning. Clarification: multi-family means 4 units or more. The MBTA Communities Act considers 3 units or more multifamily. Brookline's multi-family zoning is more than 3 units/site. Also any change to make an AHOD, we should comply with Housing Choice so only requires 51% of Town Meeting.

Question: Why wouldn't the current MBTA Communities Act proposal only be subject to 51%? Response: Because it also includes mixed use, not only housing. It may be that we can modify the proposal so it does meet with Housing Choice. By September 1, there must be a warrant article for the November town meeting—Brookline must comply by the end of 2023.

Critical when looking at Harvard Street, look at Stop & Shop and TJ Maxx parking lots—should be more than 4 stories. Many people think the Planning Dept's 4 stories (for the Harvard Street Corridor) are too short—hope to have options for greater height, maybe via overlay districts.

In response to a question, Jonathan clarified that Brookline has slightly over 11% on the "subsidized housing inventory," meaning that we are not now subject to state oversight of 40B projects (which get zoning relief in return for 20 or 25% affordable units). There is some risk it could go below 10% and be subject to state oversight of 40B projects again. Able to do "friendly 40B" projects now.

Question: Where did people come from to Brown House (the 2Life development at 37- Harvard Street)? Response: At that time there was a 70% local preference which 2Life complied with; since then HAB reduced to 25% local preference, fearing racially discriminatory impact of 70%. In AHOD, we can have whatever local preference we want, but HAB would ask for 25% if their money was in the project.

**5. Meeting Plans.** Next meetings at 7:30 p.m. on June 5, June 26 and July 17. The next meeting will hopefully have a guest from Cambridge to talk about their AHOD

**6. Adjournment.** There being no other business, the meeting adjourned at 8:25 pm.