

India Street Form Based Code Text Amendment: Zoning Language Change Narrative

Section 14-275.7: Subdistrict Dimensional Requirements--Corner

Over the past few months we have been closely watching the creation and approval of the new India Street Form Based Code. We own and are working to develop a lot at 62 India Street, on the corner of India and Newbury. The lot is currently a surface parking area and glass company. We are planning to create a mixed-use building with first floor retail space facing India Street on the Urban Active Subdistrict (UA). There will be a residential lobby entrance and concealed parking area entrance on the Newbury Street (Urban Neighborhood-UN) side, to service the three upper floors of residential condominium units.

Through the process of reviewing the new zone and related materials, as it relates to our parcel, we have come up with a zone-wide text amendment that we feel would improve the quality of new development in the neighborhood while still meeting the objectives and design standards of the Form Based Code and India Street Neighborhood Sustainable Neighborhood Plan.

The Form Based Code currently states that:

*For corner lots where two subdistricts intersect at a street corner, the Dimensional Requirements and Building Design Standards of the "dominant" subdistrict shall apply from the 1st through 3rd Lot Layer (35' deep into the lot measured from the dominant lot line) along its associated street frontage or public ways including required mid-block permeability. Otherwise, Dimensional Requirements shall be according to the subdistrict onto which the building FACADE faces.*

As we have begun to design our building it has become clear that this stipulation, especially when coupled with the requirement for a 12' ground floor, creates several practical challenges. By **eliminating a need for corner lots (where UA and UN subdistricts intersect) to step down by 5 feet, 35 feet into the lot**, we believe the intent of the zone will be better met for the following reasons:

- The current Form Based Code, as well as the old B2B zoning, recognizes India (as well as Congress, Commercial and Middle Street) as being areas of 'concentrated commercial activity.' The height maximum had previously been 50' under the B2B and, under the FBC it is 50' for the entire site IF there is no frontage on the corner of a different subdistrict, regardless of site depth.
- The current language defines the 'dominant' subdistrict but the corner lot language often creates a dynamic where the non-dominant subdistrict dictates the majority of the site.
- The 12' first floor requirement makes creating appealing living space above more challenging when the height limit is 45'. Additionally, stepping a building down can be logistically impractical and can detract from other more impactful design expenditures. The intersection of the UA and UN zones is currently the only intersection in the whole India Street Form Based Code Zone that requires a 5' (half story or less) step down.
- Adjusting the height limit to that of the 'dominant' zone for the entire site will *not* inhibit smart, 'human-scale' design or prohibit the protection of street view corridors or varied and permeable block faces.

We believe that making a small change to the current language will result in construction that will still meet the carefully thought out objectives and create better designed living space and more feasible and cohesive construction.