

January 3, 2016

Dear Honorable City Council,

A new year is upon and the "Barrett Petition" is sitting at your doorstep. I have read Owen O'Riordan, Cathy Watkins, and Ranjit Singanayagam's letter sent to you on December 21st of 2015. I have addressed each concern by bullet point for your consideration:

- Under "State Code Issues" Rajit writes, "The elimination of Gross Floor Area in the basement from the Ordinance would not help property owners as the State Sanitary Code requires a minimum of seven feet basement height for habitable uses"

Response: The Commissioner of Inspectional Services is correct, however this is the point of Part "B" of my petition. By removing the GFA calculation for basements at 7' or greater we will now allow homeowners to be in compliance with the sanitary code. By exempting height greater than 6' 11" we avoid forcing homeowners to seek costly and inappropriate variances.

- Under "State Code Issues" Rajit writes, " In addition, there are significant State Building Code conflicts with the proposed Zoning Petition. The Building Code does not define accessory apartment. Any new accessory units created would be considered as another dwelling unit. Further conversions to two or more dwellings would involve sprinklers and handicapped accessibility requirements."

Response: The commissioner is correct again, however for the purposes of zoning the point is moot. I have purposefully eliminated the "dwelling unit" requirement for accessory units thus from a zoning perspective we allow the creation of an accessory apartment without requiring the need for a variance should the lot per dwelling unit calculation normally require it.

Further, from a building code perspective the commissioner is correct again, however this was anticipated and fully complies with my intent. Safety is first and foremost a priority of this petition. I fully anticipated the triggering of several code compliance issues and welcome them. We want people to add sprinklers where required, we want handicap accessibility where applicable. These improvements bring to light a current situation that is completely unmonitored, unsafe, and inequitable.

- Owen O'Riordan and Kathy Watkins write, " DPW is concerned with the proposal to encourage greater use of basement space that is susceptible to flooding. DPW recommends that any zoning changes associated with increased use of basement space not proceed independent of the Climate Change Preparedness and Resilience Plan... If indeed it is the will of the City Council to proceed with the proposed amendment, city staff will forward to the City Council prior to the January 11, 2016 Council Meeting alternatives for mitigating the issues identified, to the extent possible."

Response: I fully agree with Owen and Kathy's assessment, and these same sentiments were on my mind when I first drafted this petition over a year ago and shared my intent with Owen. It was at that point I received a copy of Owen's response to the council regarding the Basement Apartment Overlay District, which was approved a few years ago. We should take up Owen and

Kathy's offer help mitigate some of the issues they are concerned with. I welcome design guidelines and suggestions that could assist homeowners safely and thoughtfully renovate existing space.

I do however add the caveat that I do not intend and do not suggest that whole apartments, or bedrooms be put in basements carte blanche. I believe this is a case by case determination for homeowners with the guidance of a skilled contractor and ISD. I only wish to make it possible.

My goal is to simply align the sanitary, building, and zoning ordinance in a clear way that assists homeowners in maximizing the utility of their home. I envisioned family rooms, exercise rooms, art space, home offices, and whatever else our creative population can think of. We want people to invest in these 150+ yearold homes throughout the city. They need to be updated. We can do quite a bit to mitigate the damage climate change and flooding will cause, but we need to offer incentive to do so. Homeowners deserve this freedom to choose how their space is used and we should provide the tools to guide them, not funnel a steady stream of illegal work or reward only those who currently game the system.

Happy New Year & Regards,

Patrick W. Barrett III, Esq.