

- **Neutralizing Open Space Terms** – The Petitioner notes that the intention of this Warrant Article is to choose a term that matches the current definitions “Open Space”, “Open Space, Usable” and “Open Space, Landscaped.” The petitioner proposes to use instead “Yard Space”, “Yard Space, Primary”, and “Yard Space, Secondary.” The use of the term “yard” is consistent with the existing definitions in the Zoning Bylaw which focus on private property and not public open space such as Robbins Farm Park. However, the term “yard” also refers to a specific area on a lot that may or may not also overlap with the required open space on a lot. Overall, renaming these terms may provide clarity for the layperson navigating the Zoning Bylaw. Note though, however, a review of Zoning Bylaws and Zoning Ordinances of communities in the greater Boston Area indicate that open space is the commonly used term when referring to required pervious spaces on a lot.
- **Scope of the Article** – The Warrant Article only refers to Section 2, Definitions. It would be appropriate the update the rest of the Zoning Bylaw, in particular Section 5, which may not be

allowed under the scope of this Warrant Article. The proposed main motion includes amendments in Section 5 and Section 8.

- **Consistency with the Master Plan** – While the Master Plan discusses the physical requirements for open space on a lot and makes recommendations, it does not comment on the usage of the terms “Open Space”, “Open Space, Usable” and “Open Space, Landscaped.” Being that this is primarily an administrative Warrant Article, it could promote the usability of the Zoning Bylaw which is discussed in the Master Plan.

A Warrant Article to amend the Zoning Bylaw has been inserted by the Redevelopment Board at the request of Michael Ruderman and 10 registered voters:

**Article 17** **ZONING BYLAW AMENDMENT/ NOTICE OF DEMOLITION,  
OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws;” or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Michael Ruderman and ten registered voters)

The staff provides the following additional considerations relevant to this article:

- **Administrative Tasks in the Zoning Bylaw** – One of the goals of the 2018 recodification effort was to move administrative tasks out of the Zoning Bylaw. However, where this amendment provides a critical cross reference to the Town Bylaw and the section proposed to be amended describes the issuance of a permit, it is an appropriate addition to the Zoning Bylaw.
- **Applicability** – Title VI, Article 7, of the Town Bylaw refers to the Arlington Residential Construction Notification, also known as the Good Neighbor Agreement, which was adopted by Town Meeting in 2017. The Good Neighbor Agreement applies to residential construction, including demolitions, open foundation excavation, new construction, and large additions, and requires that the contractor provide notification to abutters within a set period of time prior to any activities that may trigger the bylaw, including tree removal. The Good Neighbor Agreement also establishes certain construction standards that must be maintained throughout the construction period. There are limited instances where this requirement would overlap with the ARB’s jurisdiction.
- **Consistency with the Master Plan** – The Good Neighbor Agreement was developed by the Residential Study Group which was tasked with addressing the impacts of residential construction as described in the Master Plan. The Select Board wrote in its Report to the 2017 Town Meeting, “The Residential Study Group’s believes that these expanded notices will help improve awareness of residential construction before it commences foster shared expectations between contractors/builders and residents encourage communication and dialogue to address concerns, and enable residents to plan accordingly.” Ensuring the appropriate cross reference will bring provide the additional level of clarity necessary.

**Article 20**

**ZONING BYLAW AMENDMENT/ REDUCTION OF PARKING REQUIREMENTS  
IN THE B3 AND B5 ZONING DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or the Arlington Redevelopment Board, as applicable, to reduce the parking requirements as low as zero in the B3 and B5 Districts through Special Permit where the businesses have no ability to create new parking by amending SECTION 6.1.5 PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

The text of the amendment follows these additional considerations relevant to this article:

- **Affects B3 and B5 Districts** – The B3 and B5 Zoning Districts make up the three major businesses districts: Capital Square in East Arlington, Arlington Center, and Arlington Heights. Based on Town GIS data, there are 83 parcels in the B3 Zoning District and 26 in the B5 Zoning District; a total of 109 parcels would be affected by the proposed amendment. The attached maps identify the location of the parcels in the B3 and B5 Zoning Districts. There are no other properties zoned B3 or B5 outside of these areas.

As stated in the definition and purpose in the Zoning Bylaw, the intent of the B3 and B5 Zoning Districts includes allowing for uses oriented to pedestrian traffic. This is both to encourage commercial activity from neighborhood residents, and also to encourage visitors who drive to park once and visit multiple locations on foot in a single visit. In each business district, on-street parking is available and in many cases municipal parking is available. This Article would be to provide the Boards with greater flexibility and case-by-case consideration of parking adjustments beyond the currently allowable parking reduction, especially for a commercial change of use within existing storefronts.

- **Impractical, inefficient, and sometimes unnecessary to create parking** – The average lot size in the B3 and B5 Districts is approximately 6,100 square feet. In many cases, the coverage of the lot is at or near 100% (see building footprints on attached map). Property owners and business tenants cannot create new parking on lots in the B3 and B5 districts due to these conditions without significant building or lot reconfiguration, or the conversion of existing parcels to surface or structured parking lots. Of the 109 properties in the B3 and B5 districts, 57 (52%) are listed on the Arlington Historical Commission's (AHC) *Inventory of Historically or Architecturally Significant Buildings*, which according to Title VI, Article XI of the Town Bylaw places a priority on preservation of the building rather than creating new parking. These properties are noted on the attached maps with an asterisk.

Private on-site parking is an extremely inefficient use of our limited land resources. Existing parking requirements in Arlington's Zoning Bylaw can create a situation where the space required for off-site parking for a development or change of use can be almost as large the use itself. The Zoning Bylaw provides Parking and Loading Space Standards in Section 6.1.11. In Section 6.1.11.A, the bylaw states: "Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet." Compact and parallel spaces have slightly differing dimensions, but using the above dimensions as an average, a single parking space in Arlington requires 153 square feet of space. When including the driving aisle dimensional requirement in Section 6.1.11.C.(3), which would require another 102 square feet,

an average parking space in Arlington uses 255 square feet of land area.<sup>1</sup> Suppose a property owner wanted to change an existing use to an “Other retail or service use” in a B3 or B5 district and currently has no on-site parking. According to Section 6.1.4. Table of Off-Street Parking Regulations, if this property had a gross floor area of 1,700 feet, six off-street parking spaces would need to be created (one space per 300 square feet of gross floor area). The resulting parking lot would need to be 1,530 square feet, or 90% of the size of the use it is meant to serve. This is land that can be used for any number of other uses, including more business, housing, or open space.

Private on-site parking also works against the Town’s commercial development goals. The inability to create new parking in the B3 and B5 zones is a barrier for businesses to open in available spaces in Arlington’s core business districts. In the past, the ZBA recognized this barrier and approved variance requests for new restaurants to open in spaces where there is no ability to create new parking in four separate instances: 1314 Mass Ave (#3612), 193-201 Mass Ave (#3281 and #2952), and 190 Mass Ave (#2952). Requiring businesses to seek a variance in order to open a business is a high bar (the business owner was requesting a change of use rather than redevelopment of the property), forcing a business owner to take on potential legal and other potentially burdensome pre-development costs.

In the B3 and B5 districts, the current supply of on-street parking is often sufficient to meet or even exceed demand. In the most recent case of 1314 Mass Ave, staff from DPCD engaged in a parking utilization study to determine if the requirement of 16 parking spaces could be satisfied by on-street parking in the immediate vicinity of 1314 Massachusetts Avenue without substantial detriment to the public good. DPCD concluded that the potential new parking activity created by a restaurant could be absorbed by the existing available on-street parking. For this particular area in Arlington Heights, staff found that on-street parking in the study area was not heavily utilized in the evening, and more frequently used during the lunch period but still not at capacity as around 40 on-street parking spaces around the study area were available during peak lunchtime hours, more than double the parking requirement for this use. However, even if on-street or municipal parking is nearing capacity in these districts, adding parking spaces is not necessarily the ideal solution due to limitations including physical space, funding, and property. Parking management – such as metering parking spaces in Arlington Center to encourage turnover – can be used to more efficiently use existing space instead of requiring new developments to provide new spaces.

Although not currently able to reduce parking to as low as zero, the ARB recognizes that parking requirements can be satisfied in other ways that are outlined in Section 6.1.5.

- **Alternate ways to access B3 and B5 districts are readily available** – As shown on the attached maps, properties zoned B3 and B5 are along or in close proximity to Mass Ave and other primary roadways in Arlington. Mass Ave carries the majority of MBTA bus lines through town – five out of eleven total routes traverse Mass Ave – including Route 77, an MBTA Key Bus Route due to its high ridership and importance to the overall bus system. These bus routes tend to converge in Arlington Center and also provide direct transit access to the properties zoned B3 and B5. In addition, the Minuteman Bikeway runs roughly parallel to Mass Ave through Arlington and provides easy and comfortable walking and biking access to each of the B3 and B5 zoning districts. Arlington recently became a part of the Bluebikes regional bike share system with stations near the B3 and B5 districts in Arlington Center and Capitol Square, at the Railroad Lot

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<sup>1</sup> Minimum aisle width of 12’ for parallel parking spaces multiplied by the typical minimum width of 8.5’ as noted in the average parking space dimensions above.

and the Bikeway and at Mass Ave and Grafton Street, respectively. Finally, denser housing situated near Mass Ave makes it easy for residents to walk to these districts and shop locally. Access to the B3 and B5 districts via non-driving modes make off-street parking less critical for them to function.

- **Requires consideration of Transportation Demand Management (TDM) measures and other options** – Section 6.1.5 allows parking reductions with consideration of shared parking, off-site parking, and TDM measures. Shared parking and TDM measures can help address employee parking and off-site parking can help address customer or visitor parking. These are important measures that need to be evaluated when considering a request to reduce parking requirements in the B3 and B5 districts. Through a Special Permit request, the ARB or ZBA can assess these measures and determine whether it will offset the parking requirements and whether over time there will be a cumulative effect on parking availability in the business districts.
- **Consistency with the Master Plan, Arlington Heights Neighborhood Action Plan, and Sustainable Transportation Plan** – The Master Plan indicates that parking requirements that reflect the actual need for parking should be developed as a way to manage parking in commercial areas (Recommendation 5 of Traffic & Circulation, page 68). The Warrant Article is consistent with this goal and reflective of the fact that meeting the requirements of the existing off-street parking regulations is challenging or impossible in dense business districts, particularly for certain business uses that require higher parking ratios per the existing Zoning Bylaw. The Arlington Heights Neighborhood Action Plan indicates that restaurants are highly desired business for that business district, and this Warrant Article helps to further that goal. A goal of the Sustainable Transportation Plan is to create a vision for all aspects of mobility, including walking, bicycling, public transportation, driving, shared mobility, and micro mobility. This Warrant Article may help encourage business owners to identify other more sustainable mobility options for both customers and employees to access their business, including additional TDM measures.