

Memorandum to the Redevelopment Board – Article 40, 2021 Town Meeting

This is the text of Article 40, with the proposed new language embedded:

ARTICLE 40 ZONING BYLAW AMENDMENT/CONVERSION OF

COMMERCIAL TO RESIDENTIAL To see if the Town will vote to amend the Zoning Bylaw in Section 5.2.4, by inserting in the last sentence of said section, after the word footprint, the words “if allowed by special permit” and by inserting, after the words residential use, the words “provided that the addition or expansion is for affordable housing” so that said sentence will read as follows: In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building; or take any action related thereto.

The rationale for this amendment was summarized in the comment appended to the original warrant article, which read as follows:

The law as it presently stands; a mixed use building with its minimal setbacks could be converted entirely into residential use by right. Since the only kind of additional housing that Arlington needs is affordable housing, ability to do that would be limited under this amendment and subject to public review.

This had become all the more urgent since the Redevelopment Board, contrary to their strong promises made at the 2016 Town Meeting when mixed use was approved, has seen fit to allow exactly what I warned about in support of an amendment (not approved by the Meeting) to establish some rules. What I said proved, unhappily, to be true – they will approve an apartment building with one little shop in the corner and call it mixed use. That is exactly what happened with that oversized building on Sumner Street, the one you approved opposite the high school, and the one you are (I guess) about to approve at 1500 Massachusetts Avenue. Where is the ground floor of vibrant commercial uses to serve the residents above and nearby?

This amendment would at least allow some consideration of whether to preserve the token commercial use under these mixed use developments which are essentially apartment buildings where they don’t belong on lots that are too small,

with few of the minimal setbacks and parking requirements that straightforward 100% apartment buildings would require. If residential use is to be increased, at least it should serve a social purpose – affordable housing.

John L. Worden III

Town Meeting Member
Precinct 8