

111 Sunnyside Avenue  
Arlington, MA 02474  
February 28, 2021

**Arlington Redevelopment Board**

730 Mass Ave Annex  
Arlington, MA 02476

Re: Warrant Articles 39 and 40

Dear Arlington Redevelopment Board,

I'm writing to provide comments on Warrant Article 39 (Clarification of Definition of Mixed Use) and Warrant Article 40 (Conversion of Commercial to Residential).

**Article 39 - Clarification of Definition of Mixed Use** Arlington's current mixed use provisions were adopted via Article 6 of the 2016 annual Town Meeting, by a vote of 187–35.<sup>1</sup> There was an amendment to Article 6 that was similar in substance to this year's Article 39; it sought to limit the component uses of a mixed use building to only those which would be allowed as standalone uses in the given district. The amendment was announced to town meeting members on April 21, 2016<sup>2</sup> and the text of the amendment is available from the town website.<sup>3</sup> Town meeting declined this amendment, by a vote of 51–169.

As a Town Meeting member in 2016 I voted in favor of Article 6 and against the amendment that sought to restrict it. While I cannot claim to speak for Town Meeting as a whole, I can explain the rationale for my individual votes.

My votes were not based on statements of former ARB members that "uses would be limited to what's already allowed in the district". Rather, I voted the way I did because I knew that all mixed use proposals would be subject to environmental design review and the public hearing process that EDR entails. Special permits granted through EDR are discretionary, and I was willing to allow the board to apply

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<sup>1</sup>See <https://www.arlingtonma.gov/home/showpublisheddocument?id=29862>, page 22.

<sup>2</sup><https://www.arlingtonma.gov/Home/Components/News/News/3727/>

<sup>3</sup><https://www.arlingtonma.gov/home/showpublisheddocument?id=29755>

its discretion to projects on a case-by-case basis. I favored having flexibility in the process.

I'm comfortable with the way our Zoning Bylaw defines mixed use as it's own use category and I feel the board has done a satisfactory job with projects that have been permitted to date. I hope we can do more of them in the future.

**Article 40 - Conversion of Commercial to Residential** Article 40 seeks to prevent the conversion of commercial space to residential in mixed use buildings, unless the new residential units satisfy Section 2's definition of "affordable". In my experience, affordable housing provisions are proposed for one of two reasons: (a) to encourage the production of low- or moderate-income housing, or (b) to discourage the production of any new housing at all, affordable or otherwise. I believe Article 40 falls into the latter category.

I'd like to place Article 40 in a historical context. Arlington's zoning bylaw dates from 1975, when the town was transitioning into an anti-growth phase.<sup>4</sup> The 1975 bylaw sought to limit the opportunity for both residential and commercial growth. On the residential side, the bylaw erected barriers to the construction of apartments and multi-family housing. This is generally evident from our zoning map – it's difficult to find R5, R6, or R7 districts that aren't occupied by pre-1975 apartments or buildings under the jurisdiction of this Historic Commission. On the commercial side, the bylaw turned our business districts into a patchwork quilt of small zones that are difficult to enhance or redevelop. To a large extent, Arlington's current zoning is simply a codification of the built environment as it existed in 1975.

These policies achieved what they set out to do. Arlington's population declined for a period after the 1970s. We've been unable to enjoy the commercial growth that Cambridge, Boston, and (more recently) Somerville have experienced in recent years. And, we have high housing prices because our zoning keeps the housing supply artificially low<sup>5</sup> in the presence of a growing regional workforce and generally good wages.

I think it would be fair to develop reasonable regulations governing use changes within mixed use buildings, but Article 40 is not a regulation that I would consider reasonable. I feel it is an effort to continue Arlington's 1970s-era policies, which have kept

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<sup>4</sup>See *Creating an Anti-Growth Regulatory Regime*, <https://www.hks.harvard.edu/sites/default/files/centers/rappaport/files/arlington.pdf>.

<sup>5</sup>To be fair, Arlington is not the only community that engages in this practice.

housing prices artificially high and prevented Arlington from fully participating in the region's economic growth.

I thank the board for its time and consideration.

Sincerely,

Stephen A. Revilak