

From: Stephen Revilak

To: Arlington Redevelopment Board, Department of Planning and Community Development

Subject: Zoning Bylaw Amendment/Inclusionary Zoning Requirements

Date: Jan. 24, 2019

Dear ARB and DPCD,

I've filed paperwork to bring a zoning-related article before town meeting this year. The following pages contain the warrant article language, a proposed main motion, and a few paragraphs of explanatory text.

I would appreciate any feedback you have to offer, and I look forward to discussing the matter further.

Regards,

Stephen Revilak

Warrant Language

Zoning Bylaw Amendment/Inclusionary Zoning requirements

To see if the town will vote to amend the Zoning Bylaw by increasing the affordability requirements contained in Section 8.2 AFFORDABILITY REQUIREMENTS, such that a greater number of affordable units would be required for certain projects; or take any action related thereto.

(Inserted at the request of Stephen Revilak and ten registered voters.)

Proposed main motion

That Section 8.2.3 (A) of the Zoning Bylaw of the Town of Arlington, Massachusetts be modified by

- Striking the first sentence, and replacing it with the text "In any development subject to this Section 8.2, a percentage of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw, where the percentage is given by the the following table:"
- Inserting the following table after the first sentence:

Total Number of Units	Required Affordable Units
0 to 5 units	No affordability requirement
6 to 19 units	15% affordable units
20 units or more	20% affordable units

So that Section 8.2.3(A) reads as follows:

~~In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw.~~ In any development subject to this Section 8.2, a percentage of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw, where the percentage is given by the the following table:

Total Number of Units	Required Affordable Units
0 to 5 units	No affordability requirement
6 to 19 units	15% affordable units
20 units or more	20% affordable units

For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.

Remarks

This article was inspired by Chairman Bunnell's remarks during the ARB meeting of January 7, 2019: if adopted by town meeting, the multifamily zoning amendments could allow developments that trigger the inclusionary provisions of Arlington's Zoning Bylaw. To that end, I am proposing a bylaw amendment that would require a greater percentage of affordable units on larger projects.

The substance of the main motion was based on Somerville's inclusionary zoning provisions. Somerville requires 15% inclusionary units for a 6--7 unit project, 17.5% inclusionary units for a 8--17 unit project, and 20% inclusionary units for a 20+ unit project.¹ In short, the larger the project, the greater the inclusionary requirement.

The specifics of Somerville's inclusionary ordinance came out of a needs-based assessment, conducted by the city's Office of Planning and Community Development.² I have not conducted a similar assessment for Arlington, but I do believe that a tiered percentage could benefit the town. Therefore, I am proposing a higher percentage (20%) of inclusionary units on projects of twenty units or more. At a certain level, inclusionary zoning requires developers to provide a "bulk discount" on housing, where market rate units subsidize the inclusionary ones. I understand that too steep a requirement could undermine the financial viability of such projects, and I do not wish to see that happen. The twenty percent tier is intentionally conservative.

Finally, I would like to be up-front about two issues this proposal does not address.

First, the Somerville Planning Department memo talks about the characteristics of comprehensive inclusionary ordinances:

"... comprehensive inclusionary ordinances are more complicated than a single percentage of required units. The inclusionary ordinance works like a set of dials and switches, each one controlling a separate factor. These factors include: the percentage of required units, whether they are on-site, if bonuses are provided, what the income requirements are, what interior finishes are required, the size of the living units, what other factors might impact

1 See "Zoning Ordinance for the City of Somerville", Article 13 INCLUSIONARY HOUSING, and table 13.3.4.A

2 See "Draft Staff Report and Preliminary Recommendations Regarding Inclusionary Zoning", dated Feb 18, 2016, and retrieved from <https://www.somervillema.gov/sites/default/files/inclusionary-housing-preliminary-impacts-memo-2-20-2016.pdf>.

affordability (landscape, parking, design, application fees, permitting etc.), and what number of units triggers inclusionary zoning."³

I suspect that Arlington could benefit from such a level of subtlety and nuance, but I have not attempted to provide it here.

Second, there is the effectiveness of Arlington's Inclusionary Zoning bylaw as a vehicle for creating affordable housing. Since its enactment in 2001, our inclusionary zoning bylaw has created a total of 54 affordable units, in five development projects.⁴ Though modestly successful, this not sufficient to meet the town's affordable housing needs. As a point of comparison, Somerville produced 145 units of inclusionary housing between 2010 and 2016⁵ (during the same period, Arlington produced 43 units). I believe the reasons for this lie beyond Section 8.2 of our Zoning Bylaw. The article before you will not change the frequency at which Arlington's Inclusionary Zoning is triggered.

Despite these limitations, I believe this article is a worthwhile step forward, at least until such time that Arlington can conduct a comprehensive needs-based assessment.

Thank you for your consideration.

Stephen Revilak

³ *ibid*, pg. 10

⁴ These 54 units break down as follows: 6 at 30 Water St (2004), 4 at 264 Mass Ave (2004), 17 at the Brigham's redevelopment (2012), 26 at the Symmes redevelopment (2014), and 1 at 483 Summer St (2019). Figures provided by the Department of Planning and Community Development.

⁵ "Draft Staff Report and Preliminary Recommendations Regarding Inclusionary Zoning", pg. 2