

To: Claire Ricker, Director, Department of Community Development and Planning,
and Secretary Ex Officio, Arlington Redevelopment Board
Kelly Lynema, Assistant Director, DPCD
From: James Fleming, Pat Hanlon, Xavid Pritzker, Laura Wiener
Date: November 1, 2022
RE: Proposed Changes to Open Space Requirements for 2023 Town Meeting

Proposal to Eliminate or Change Open Space Requirements For Multi-Family and Mixed Uses

Problem Statement

The current open space (OS) regulations control building size in a convoluted way; if you add more floor area (GFA) to a building, you need more OS.

For Mixed Use and Multi-family Housing, the OS requirements scale with the GFA. Increasing the size of the building shrinks the footprint the building can occupy; this is a severe constraint on creating viable mixed-use development, and limits the number of units that can be built on lots in commercial zones. The existing standards are particularly hard to meet on smaller and irregularly shaped lots. These are often the lots available for redevelopment.

Arlington's mixed-use developments have small amounts of commercial space because the commercial market is soft right now, and therefore commercial space isn't viewed as profitable. In addition, the open space and parking requirements cut into the size of the ground floor that can be provided. However, the bylaw provides an incentive to build mixed use by allowing more flexibility than commercial or multi-family buildings alone. Allowing more housing through mixed-use development supports our commercial base by providing customers, making it easier for existing and new commercial spaces to have stable tenants.

We are proposing changes to OS requirements. Our primary reason is to support housing and business growth; more housing would be able to be built, and business would be made more viable by having more customers close by.

By-law Challenges

Currently, all OS requirements are based on GFA. Amending this requirement to make the OS requirement a % of the lot area would work better for larger buildings with an FAR over 1, but would increase the OS requirement for any building with an FAR of less than 1, possibly making existing conforming structures nonconforming. Any amendments to the OS requirements should avoid creating new nonconformities, or otherwise adding new restrictions on development that is currently allowed by right. As a result we are limiting this proposal to zoning districts where mixed-use is allowed (B1, B2, B2A, B3, B4, and B5).

Possibilities Considered

Below are some possible ways of addressing the problem we wish to solve:

- Option 1: **Eliminate all Open Space Requirements in the Business Zones, both Landscaped Open Space and Useable Open Space.** This provides maximum flexibility for residential and mixed use projects to create more housing units. Often the

open space in residential projects is not used by residents and can be replaced with porches and possibly roof decks. Additionally, most of our storefronts have little or no open space, with close to total lot coverage, making it difficult to add the required open space when adding additional stories. This is one way to encourage redevelopment of the business zone. This allows for leaving existing Open Space regulations intact for other zones, and does not require modifying the definition of Open Space.

- Option 2: **Eliminate all Open Space Requirements in Commercial Zones, specifically for Mixed Use and Multi-Family Residential Uses.** This attempts to do the same as Option 1, but basing the requirement on the use as well as the zone.
- Option 3: **For all uses in Business Zones, replace the current Landscaped and Useable Open Space requirements with a single 10% Landscaped Open Space requirement, based on lot area.** This is important in 2 ways. First it decouples the amount of floor area from the amount of open space. As previously stated, the current requirement is that the greater the floor area, the more open space is required. This makes it difficult to efficiently develop all lots, but particularly smaller or irregularly shaped lots. Secondly, it removes the current requirement for Useable Open Space, with its high dimensional requirement (25' in each direction). This change would increase flexibility and allow more units to be created. If this option is considered, we should also look at liberalizing the restriction on using roof decks to fulfill the OS requirement. The bylaw requires that for a roof to be counted toward open space it needs to be "not more than 10 feet above the level of the lowest story used for dwelling purposes". This definition is impractical and does not encourage building of roof decks, which can be used and enjoyed by residents. Roof Decks are considered Useable Open Space. They should be redefined to include actual roofs, and be considered Landscaped Open Space.
- Option 4: **For Mixed Use and Multi-Family Residential Uses specifically, replace the current Landscaped and Useable Open Space requirements with a 10% Landscaped Open Space requirement, based on lot area.** This attempts to do the same as Option 3, but based on the use instead of based on the zoning district.

Conclusion

The options summarized above are not intended as an exclusive list. There are many ways of modifying the Town's current open space requirements to encourage housing and business growth in the areas most suited for them. These options do, however, illustrate some of the available possibilities. We look forward to engaging with the ARB in a discussion of the problems presented by the current regulations and ways of addressing them.

For reference, we have included two Appendices.

Appendix 1 is Neighboring Communities Open Space Requirements

Appendix 2 shows Arlington's Open Space Requirements in the Business Zones

Appendix 1.

Neighboring Community Open Space Requirements

Watertown ([districts](#), [link to table of dimensional regs](#))

Open space has no minimum dimensional requirement, only that it be pervious. Central Business District has no open space requirement. Other business districts are mostly 10% open space.

Waltham ([districts](#), [dimensional controls](#))

No lot coverage or open space limits for business. 15% open space requirement for residential in B districts

Belmont ([districts](#), [dimensional controls](#))

No Open Space requirement in any business district. No lot coverage limit in cbd.

Lexington ([districts](#), [FAR limit](#), [Dimensional Controls](#))

Lexington has no open space requirement but they limit lot coverage in many districts. There is no lot coverage limits in the central business district.

Winchester ([districts](#), [dimensional controls](#))

10% open space. No requirement in business districts

Medford ([districts](#), [dimensional controls](#), [usable open space definition](#))

This is the only community in the area that ties Useable Open Space to floor area, as Arlington does. No OS required for 1/2F detached or commercial. Usable OS 25% of GFA for >2 unit

Appendix 2. Arlington's Open Space Reqs.

B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B1			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	Sec. 5.3.21	-----
Any other permitted use	20%	Sec. 5.3.21	-----
B2			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use	10%	Sec. 5.3.21	-----
Any other permitted use	10%	Sec. 5.3.21	-----
B2A			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW =<50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----		-----
Mixed-use >20,000 sq. ft.	10%	Sec. 5.3.21	-----
Any other permitted use	20%	Sec. 5.3.21	-----
	10%		-----

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	10%		-----
Any other permitted use	20%	Sec. 5.3.21	-----
B4			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW =<50 ft.	10%	30%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	-----		-----
Mixed-use >20,000 sq. ft.	10%	Sec. 5.3.21	-----
Any other permitted use	10%	Sec. 5.3.21	-----
B5			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	15%	-----
Mixed-use <= 20,000 sq. ft.	-----	Sec. 5.3.21	-----
Mixed-use > 20,000 sq. ft.	10%		-----
Any other permitted use	10%	----- (20% for residential use)	-----
On a lot >= 40,000 sq. ft.	10%	Sec. 5.3.21	-----
On a lot >= 80,000 sq. ft.	10%	Sec. 5.3.21	-----