

Hello!

I'm a resident of Arlington who wants to discuss some ideas for warrant articles that affect town zoning. Please consider the following my opening content; problem I'm trying to solve, proposed solution, any additional content, etc.

Best,

- James Fleming, 58 Oxford St

# Parking Minimum Elimination in B5 District

## Background

Arlington has a B5 zoning district which is effectively the core downtown (Arlington Center); it has the shops, plazas, everything that makes a downtown great, and it is the best-connected place in town for transit; multiple overlapping bus routes to nearby towns, the minuteman bike path, and metered street parking and public parking lots.

## Problem Statement

The town requires 1 parking space per dwelling (changed as of 2022 ATM), and a varying requirement for commercial spaces. However, we have seen projects come before the ARB (190 Mass Ave, Docket #3650) which propose less parking than this (originally 1/2 space per unit).

Additionally, according to the 2020 American Community Survey, 80% of renters in Arlington had one or fewer vehicles per household, and 20% had no car at all. It would seem there is a market for apartment buildings with less than 1 space per unit.

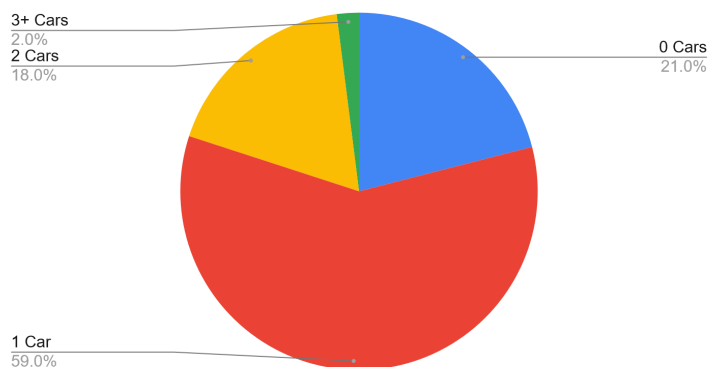
This all matters to me because parking is not the highest and best use of our town's land; it cannot contribute to a vibrant streetscape, cannot house people, and pays little in taxes. Arlington should not impose any requirement to build parking; instead, leave it up to individual property owners to decide the right amount.

## Proposed Solution

I propose eliminating the parking requirements for all uses, for the B5 district, as a first step in having town land better serve Arlington residents. This will not mean no parking gets built, as that is up to individual property owners, and in any case the district is not that large; I suspect that, at most, a little bit of parking may go away if someone redevelops a building.

The main goal of this endeavor is to take an incremental step in the best possible scenario; B5 is the most transit friendly part of town, and has a walkable downtown, so it is the most likely to see a positive outcome. Taking an incremental step provides some protection against any unforeseen consequences, while allowing the Town to gain information about how much parking is actually required.

Arlington Vehicles Per Household, Renters  
American Community Survey, 2020



# Elimination of Usable Open Space Requirements

## Background

Every property with a residential component is required to have Usable Open Space -- a contiguous area (min 25x25) that ostensibly is for the outdoor enjoyment of the resident(s). From the bylaw:

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

The amount of usable open space required is a set percentage of the size of the building. From section 5.3.22(C):

For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space are calculated based on Gross Floor Area

## Problem Statement

With this requirement, the town is making a determination about the usability of an open space for a resident of a property. The person with the best ability to make a judgement about whether an open space is usable is not the town, nor the neighbors - it is the resident of the property. I think it is reasonable to state that what one person believes is plentiful open space, another may deem to be too small.

Consider what it would mean if a property owner wanted to, say, put an addition on the back of their house that encroached on their Usable Open Space. Under the current zoning, that might not be allowed. However, this property owner has already made a conscious choice that they would appreciate the added living space more than the open space that they have.

Consider what it would mean for a developer building a rental property. If they build apartments with little or no open space, then the people who move there will be making a conscious tradeoff -- the lack of open space will be an acceptable situation to live in.

Having lived in apartment buildings in Arlington, the open space there is never used -- it is not comfortable to use such a space because 1) it is very exposed, either being on a major road or surrounded by apartments where many people can see you, and 2) because as a renter, you have no ability to customize the open space to your desires.

## Proposed Change

I propose removing the Usable Open Space requirement in its entirety. The reason is that it empowers residents to make their own tradeoffs as to the amount of open space they need, and weigh that tradeoff against their other needs.

Note that this will not allow homes to explode in size. Residential buildings are constrained in other ways:

- Limited to 35% coverage of the lot
- Separate requirement for landscaping to ensure a degree of beauty in the neighborhood
- 20ft rear setback (de facto "open space")

## **Other Options**

I considered other ways of making the requirement less impactful, however no matter how I tried to modify the requirement, it created problems of its own.

### Reducing Dimensions

I considered reducing the dimensions to e.g. 20x20. However, this creates a problem:

Currently there are many nonconforming lots that do not comply with usable open space because they have no dimension greater than 25 feet, generally in East Arlington. Shrinking this dimension makes it likely that many lots will come into conformance. However, those currently non-conforming lots have the ability to dormer their attic, by special permit. If they come into conformance, they will no longer be able to get a special permit; they will instead need a variance, which they are unlikely to get. This may take away vested rights that the current property owners have.

### Reducing Percentage

I considered reducing the percentage from e.g. 30% of GFA to a lower percent (e.g. 15%). However, this carries the same risk as above: that someone who is currently non-conforming becomes conforming and loses the ability to do something that they could currently do by special permit.

I personally fall into this case: our house is non-conforming with Usable Open Space, but we have a non-zero amount of usable open space. Reducing this percentage could make us conforming, and remove our ability to dormer the attic under a special permit.

### Make UOS not scale with GFA

I considered making Usable Open Space scale with the lot size, instead of the Gross Floor Area. While this has the effect of reducing the requirement for buildings with an FAR > 1, it increases the requirement for FAR < 1. Almost every 1F and 2F dwelling has an FAR < 1, so this would have the effect of making huge portions of Arlington out of conformance.

We could simultaneously reduce the percentage from 30%, however we would have no way of guaranteeing that the chosen percentage would create no new nonconformities.