



TOWN OF ARLINGTON  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Arlington Redevelopment Board  
From: Claire Ricker, Director  
Kelly Lynema, Assistant Director  
Date: December 1, 2022  
RE: Redevelopment Board 2023 Zoning Amendments

---

At the October 17, 2022 Redevelopment Board meeting, Board members discussed potential zoning amendments to submit on the warrant for 2023 Town Meeting. After discussion, the Board indicated a desire to put forward a series of administrative or clarifying amendments, as well as a number of more substantive amendments. Below is a preliminary staff analysis of the amendments as discussed at that meeting.

**Amendments to Business District Zoning**

**Of Arlington's 2,558 acres of zoned parcels, only 3.7% are within the Business Districts<sup>1</sup>.** This 3.7% of zoned land, when combined with the smaller Industrial District properties, carries the primary burden of generating Arlington's commercial tax revenue. During the Board's fall retreat and at the October 17 meeting, the Board discussed a number of amendments to encourage commercial redevelopment and attract new commercial uses to the Business Districts (B1, B2, B2A, B3, B4, and B5), while supporting additional Town goals for sustainability, urban design, and overall site standards. In each of these recommended changes, the ARB seeks to identify the current intent or goals in each element of the zoning bylaw and craft amendments that seek to advance those goals.

1) Open Space Requirements in Business Districts

In recent meetings the Board has discussed the conflict between the Zoning Bylaw's usable open space requirements and the purpose or intent of "usable open space" as defined in the Bylaw. The Board has also noted ways in which the current usable open space requirement unduly restricts commercial and mixed-use redevelopment and limits the ability to redevelop without a net loss of commercial space.

To encourage redevelopment in the Business Districts to meet Arlington's economic development and sustainability goals, two key restrictions should be evaluated:

- Usable Open Space is currently tied to residential gross floor area instead of parcel size. As such, incentives to redevelop underperforming properties are restricted, as the area

---

<sup>1</sup> Not inclusive of water bodies or roads. Only 2.69% of Arlington's total land area is zoned Business.

of each parcel that is dedicated to open space *increases* with each additional upper-story residential unit in mixed-use developments.

- The definition of usable open space limits where and how the public and private benefits of open space can be achieved. Rooftops can only count as open space if they are located not more than 10 feet above the level of the *lowest* story used for dwelling purposes, and is deemed usable only if 75% of the area has a grade of less than 8% and is at least 25 feet square. These limits effectively restrict building height beyond the limits set forth in the dimensional and density regulation tables. They also typically exceed the rear and side yard setback requirements for most uses in the Business Districts.

Beyond restricting the redevelopment potential for underutilized and vacant properties, the Board has discussed how the usable open space requirement and definition do not reflect the environmental and climate benefits that usable open space provides with regard to permeable surfaces, green roofs, locations for trees and landscape, access to the outdoors, and community gathering spaces for building social resilience.

On November 21, residents presented research from neighboring communities showing that most do not require usable open space in their business zoning districts, and of those that do, their usable open space requirement is a proportion of the parcel size, not residential gross floor area.

As less than 4% of Arlington’s total zoned land is within the Business Districts, and as the Zoning Bylaw already requires landscaped open space and shade trees (Section 6.3), staff recommend the following:

- For commercial uses (“any other permitted use”, as described in the zoning bylaw), eliminate the usable open space requirement. Maintain the 10% landscaped open space requirement but amend it to be based on lot area, not gross floor area.
- For mixed-use and multi-family residential, replace the current landscaped and usable open space requirements with a 15% landscaped open space requirement based on lot area, not gross floor area.
- Amend the definition of landscaped open space as follows: “Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof or balconies ~~not more than 10 feet above the level of the lowest story used for dwelling purposes.~~”

Additionally, while under this amendment usable open space would no longer be required in the Business Districts, staff recommend that the definition of usable open space be amended as follows: “Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof or balcony ~~not more than 10 feet above the level of the lowest story used for dwelling purposes.~~”

One alternative discussed by the Board was to maintain a usable open space requirement, but eliminate dimensional and locational requirements, and allow applicants to make payments in lieu of providing usable open space. Somerville does not require usable open space—the city has an open space requirement and does not differentiate between types of open space—but when their 15% open space requirement results in 8,000 square feet or less of open space, an in lieu payment may be made for up to 100% of the required open space in whole or in part. The payment is calculated as five times the product of the square footage of open space not provided and the average cost to acquire, design and develop land as civic space. Payments are made to the Open Space Acquisition and Improvements Stabilization Fund.

2) Rear Yard Setback Requirements in Business Districts

Presently the rear yard setback requirements in the business districts are a function of building length and/or height, depending on use. These restrictions make it challenging to understand potential build-out, overly complicate the zoning bylaw, and present challenges to commercial redevelopment. Additionally, the prescribed setbacks incentivize redevelopment as residential uses instead of commercial or mixed use.

District	# Parcels	Med. Parcel Depth	Use	Setback Requirements (ft)
B1	106	99.5'	Any	20
B2	67	75'	Single family, two-family, duplex, three-family townhouse, apartment*	20
			Mixed use or other permitted use	10 + (L/10)
B2A	21	174'	Single family, two-family, duplex, three family*	20
			Apartments w/ ROW =<50ft	10 + (L/10)
			Apartments w/ROW > 50ft	(H + L) / 6
			Mixed use Other permitted use	at least 30' for apartments
B3	79	88'	Single family, two-family, duplex, three family*	20
			Townhouse, apartment building, mixed use, other permitted use	(H + L) / 6
B4	89	104'	Single family, two-family, duplex, three family*	20
			Apartments w/ ROW = > 50	30
			Apartments w/ ROW > 50 ft	(H + L) / 6 (at least 30')
			Mixed use or other use	10 + (L / 10)
B5	24	99.5'	Single family, two-family, duplex, three family*	20
			Townhouse or apartment building	(H + L) / 6 (at least 20')
			Mixed-use	10 + (L / 10)
			Any other permitted use	(H + L) / 6

H = building height; L = length of a wall parallel to lot line

\* Given that such a small proportion of land in Arlington is zoned for business/commercial uses, staff question why redevelopment as a low-density residential use is allowed in the Business Districts.

Staff reviewed the rear yard setback requirements in adjacent communities, as well as several communities with a higher commercial tax base, to assess the setbacks typically required in business or commercial zoning districts.

- Burlington: 10 to 15 feet
- Cambridge: None if abutting a nonresidential district, 20 feet if abutting a residential district
- Lexington: 10 to 20 feet
- Medford: 15 feet
- Somerville: Variable
  - 0 feet when abutting an alley or rear right-of-way
  - 10 feet when abutting non-residential districts
  - 20 feet for first three floors abutting a residential district
  - 30 feet for fourth and higher stories abutting residential districts
- Watertown: 15 to 20 feet
- Winchester: 15 to 20 feet

Note that none of these communities use a calculation to determine setback dimensions. Given the median parcel depth in Arlington’s Business District, the fact that many older buildings along Mass Ave and Broadway have rear yard setbacks of less than 10 feet, and in light of what other communities in the region require, staff recommend the Board consider:

- Eliminate the lower maximum height and maximum height in stories within the tables for B District Building Height and Floor Area Ratio Regulations, along with references to Section 5.3.19, Reduced Height Buffer Area, and instead adopt a variable rear yard setback as utilized in Somerville’s zoning ordinance;
- Amend Section 5.3.19, Reduced Height Buffer Area to 25 to 50 feet and adopt a variable rear yard setback as utilized in Somerville’s zoning ordinance; or
- Replace any equations determining rear yard setbacks with a standard rear yard setback of 15 feet.

### 3) Step-back Requirement in Business Districts

Approximately 44% of parcels in Arlington’s Business Districts located on corner lots and have two or more frontages. Currently this means that redevelopment of those properties requires a step back on more than one frontage at the 4<sup>th</sup> floor. The table below provides an overview.

District	# parcels	Frontages			Med. Parcel Depth (ft)	Med. Parcel Size (sf)
		1	2	3+		
B1	106	63 (59%)	42 (40%)	0 (0%)	99.5	5,984
B2	67	31 (46%)	33 (49%)	3 (4%)	79	5,404
B2A	21	12 (57%)	7 (33%)	1 (5%)	174	24,186
B3	79	43 (54%)	28 (35%)	7 (9%)	88	5,917
B4	89	49 (55%)	35 (39%)	4 (4%)	104	7,863
B5	24	16 (67%)	7 (29%)	0 (0%)	99.5	6,529
Five parcels in the Business Districts have no frontage.						

Given the relatively small average parcel size in most Business Districts, and with additional setback, open space, and parking buffer requirements, the requirement to step back along more than one frontage results in unusable or uneconomical upper story space.

A review of zoning regulations in Arlington’s neighboring communities reveals that most do not have step-back requirements. Of those that do require step-backs, the step-back requirement either does not begin until a height of 65 feet, or the step-back is required as part of the community’s design standards to allow Planning Boards the flexibility to negotiate step-backs as part of overall design review. Some communities requiring step-backs require them only on the principal façade. In Somerville, buildings on a lot less than 65 feet dep are exempt from step-back requirements.

Staff recommend the Board consider requiring step-backs only on the principal façade of a structure (e.g., the façade facing Mass Ave or Broadway), and explore whether to waive the step-back requirement for small parcels.

#### 4) Height Minimums in Business Districts

The Board has expressed a desire to encourage redevelopment in the Business Districts with a traditional mixed-use building type with active ground floor uses and housing or office uses above. One method for doing this is to prohibit the development of new single-story structures. Establishing a height minimum is an effective way of intensifying development opportunities, efficiently using limited land resources, and increasing the diversity of business types in Town.

Within the Business Districts, the lowest maximum height is 25 feet. This standard applies in the B2A District for apartments on streets with a right of way narrower than 50 feet if/when the residential height buffer is applied. Typical maximum heights in the Business District zoning range from 35 feet to 60 feet and 3 to 5 stories.

As the Board has experienced, however, maximum heights in the Business Districts are typically not achievable. While the amendment to FAR by 2022 Town Meeting has made redevelopment of underutilized properties more attractive, other requirements such as setbacks, step-backs, usable open space, parking buffers, and minimum lot areas and frontages frustrate the ability to reach the maximum allowable heights. Additionally, given that the majority of parcels in the Business Districts abut parcels in the R1, R2, or Open Space Districts, the reduced height buffer area (Section 5.3.19) applies nearly universally to the Business Districts and effectively lowers the allowable height across entire parcels.

To avoid creating a requirement that could effectively prohibit redevelopment entirely (e.g., require a height that is unachievable due to other dimensional restrictions and buffers), staff recommend establishing a minimum building height of 25 feet or two stories for primary buildings in all Business Districts, with a requirement to include a second story that is at least 30% of the first floor dimension.

If the Board wishes to include an exception process, staff recommends requiring that an applicant provide evidence that physical circumstances exist for the property which result in a lot with a size or shape that is not conducive to a multi-story structure, and it can be demonstrated that there is a direct benefit to the community to have a one-story structure at the proposed location as opposed to a multi-story structure.

5) Arlington Heights Business District Consolidation

In 2019, the Town completed the [Arlington Heights Neighborhood Action Plan](#)<sup>2</sup>, which recommended a number of zoning amendments, policy changes, and activities to generate redevelopment opportunities in Arlington Heights. The plan was informed by two well-attended community forums, outreach to local businesses and property owners, and meetings with a steering committee. One key zoning recommendation of the plan was to create an entirely new business district—the AHB District—that reflects a vision for the neighborhood to replace the four separate business districts in the Heights.

The AHB District would include all land zoned in any of the existing Business Districts within a defined geographic area, as well as the MBTA lot currently zoned Transportation. Establishing this district would require a zoning amendment and map change to Business District and Transportation parcels between the Massachusetts Avenue and Forest Street intersection in the east and the Massachusetts Avenue and Drake Road intersection in the west.

The plan studied the requirements in the Business Districts within this area and provided the following generalized height and use characteristics for the study area (a complete analysis by use is attached):

District	Height limit	Uses/Comments
Neighborhood Business District (B2)	35' / 3 stories 50' / 4 stories for mixed-use	Retail and services oriented for pedestrians
Major Business District (B2A)	40' / 4 stories 60' / 5 stories for mixed-use	Retail and service establishments; medium density housing
Village Business District (B3)	60' / 5 stories	Retail, services, offices. Mixed-use with residential encouraged. Pedestrian oriented.
Vehicular Oriented Business District (B4)	40' / 4 stories 60' / 5 stories for mixed-use	Retail oriented toward automotive traffic; larger parking lots; includes auto sales, service stations. Town is encouraging shift to office, retail, services.

The plan concludes that there are more similarities among the four districts than differences, and that having four commercial zoning districts within this small area is confusing, unnecessary, and does not lead to the development of a cohesive business district. It additionally notes that current land uses are similar enough that four different districts are not required to differentiate either uses or scale of development.

AHB Zoning District	Plan recommendation	Staff recommendations
Minimum lot area	5,000 sf	5,000 sf
Lot area / dwelling unit	800 sf	Do not establish; this is a redundant requirement as height, setbacks, and FAR already appropriately constrain massing. In the Business Districts, lot area / dwelling unit does not apply in mixed-use development on parcels smaller than 20,000 square feet.
Lot frontage	30 ft	30 ft
Front yard	Varies, contextual with adjacent properties	0; consistent with mixed-use and other permitted use requirements in B2, B2A, B3, and B4 Districts

<sup>2</sup> Available at <https://www.arlingtonma.gov/home/showpublisheddocument/46654/636942124172100000>

AHB Zoning District	Plan recommendation	Staff recommendations
Side yard	0 ft	0 ft; consistent with mixed-use and other permitted use requirements in B2, B2A, B3, and B4 Districts
Rear yard	20 ft	15 ft; consistent with recommendation above.
FAR	2.0	3.0; note that the 2.0 recommendation pre-dates the 2022 Town Meeting amendment to allow higher FAR.
Max height	60 ft / 5 stories 50 ft / 4 stories	60 ft / 5 stories 50 ft / 4 stories
Height buffer	25-50 ft	25-50 ft
Landscaped open space	20% of gross floor area; allow up to 25% on balconies or rooftops	20% of parcel size; allow up to 25% on balconies or rooftops
Usable open space	Eliminate for multi-family and mixed-use development	Eliminate for multi-family and mixed-use development

## Clarifications / Amendments

### 6) Industrial District Clarifications

2020 Special Town Meeting approved a suite of amendments to the Industrial zoning district. Since then, the Board has noted several clarifying amendments as outlined below.

#### *Self-storage facilities*

Self-storage facilities were originally allowed as a low intensity use with the potential for generating additional tax revenue without accompanying traffic / mobility concerns. The ARB has proposed eliminating self-storage facilities as an allowable use in the I district. As an alternative to prohibiting the use entirely, the Board may wish to consider allowing self-storage facilities only in a building with more than one (1) principal use, excluding another self-storage use.

#### *Industrial District Uses*

The Board asked staff for information on other uses that have been requested for the Industrial District but which might not currently be allowed.

- Doggie daycares:
  - A business owner reached out to DPCD to enquire about opening a doggie daycare as a use in an existing multi-tenant building, however animal care is not an allowed use in the Industrial District. If the Board wanted to allow this use, staff recommend the following:
    - Add a Y under the Industrial District uses for “Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building”.
    - As an alternative, and to limit redevelopment of existing industrial space as single-story animal care facilities, consider allowing this use only in a building with more than one (1) principal use, excluding another veterinary and animal care use.

- Other uses:  
Fast-order food restaurants are not currently allowed in the Industrial District, however standard restaurants are permitted. Given the type of restaurant uses that typically serve as companion uses with breweries and distilleries, and given Arlington’s current alcohol policies, the Board may want to consider allowing fast-order food as a Special Permit use.

*Residences allowed in the Industrial District*

The Board had asked whether Section 5.6.4(H) required an amendment to clarify the type of residences allowed in the I district. In the table of uses under Section 5.6.3, *Use Regulations for MU, PUD, I, T, and OS Districts*, the only residential use allowed in the I district is artists’ mixed use, which is subject to a special permit. Based on this restriction, staff do not believe that Section 5.6.4.H needs to be amended.

*Industrial Districts and the New Solar Bylaw*

On September 15, 2022, the Attorney General’s office requested an extension of their review of the Article 30, the Solar Bylaw amendment. Barring another request for an extension, the office will issue a decision on December 28, 2022.

If the Attorney General approves the amendment, the following items under Section 5.6.2(D) should be amended: will need to be amended as follows:

- The second bullet under Section 5.6.2(D)(1), Renewable Energy Installations, should state, “All new commercial and mixed-use buildings shall ~~be solar ready~~ comply with Section 6.4, Solar Energy Systems.”
- The second bullet under Section 6.5.2(D)(7), Exceptions to Maximum Height Regulations in the Industrial District, should state, “Provide one (1) of the following sustainable roof infrastructure components. Projects requiring Environmental Design Review are also subject to Section 6.4 and must therefore provide one additional component.”
- The third sub-bullet under Section 6.5.2(D)(7) should state “Install solar energy panels tied to the electrical system of the building under the standards set forth in Section 6.4.”

Ultimately, as the Redevelopment Board is charged with review of uses and structures that have a substantial impact on the town and on property values, it may be appropriate to expand Environmental Design Review to include all properties in the Industrial District. If the Board agrees, then Section 3.4.2, Applicability, should be amended to include the following under a new subsection J:

- J. Construction, reconstruction, or change of use requiring a Special Permit on a site within the Industrial Zoning District.

*Industrial Districts and Stormwater Retention*

Staff are working with the Town’s Environmental Planner/Conservation Agent to identify the appropriate size of storm that should be retained and treated on site and/or refer to

Conservation Commission guidelines to recommend an appropriate amendment to this section of the bylaw.”.

7) Correction to Section 3.1(B), “Building Inspector; Enforcement”

2020 Special Town Meeting approved an amendment to Section 3 of the Zoning Bylaw that the Massachusetts Attorney General’s office later stated was inconsistent with state law. The ARB had recommended a vote of no action on the amendment (Article 17), but it was brought back to Special Town Meeting through a substitute motion.

Article 17 amends the Town’s zoning by-laws, Section 3, “Administration and Enforcement,” Subsection 3.1 (B), “Building Inspector; Enforcement,” to add additional text to the end of Subsection 3.1 (B), as follows (new text in underline):

No person shall erect, construct, reconstruct, convert or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.

The Attorney General noted that the zoning bylaw, specifically Subsection 3.1(B), cannot be applied to authorize the withholding of a building permit for failure to comply with general bylaw requirements. The State Building Code governs the issuance of a building permit, and requires the Building Inspector to issue building permits where the applicant has demonstrated compliance with the State Building Code and the town’s *zoning* bylaws. Under state law, building permits may be withheld only if an applicant’s proposed project is in violation of the Town’s zoning bylaws, not for failure to comply with the town’s general, or non-zoning, bylaw requirements. As such, the zoning bylaw must be amended to strike the sentence underlined above.

8) Administrative Corrections

Section 5.3.21(D) erroneously referenced Section 0 instead of Section 5.5.2(A). This was a scrivener’s error and has since been administratively amended.

9) Adjustments to Gross Floor Area and Floor Area Ratio Calculations

Staff are working with the Director of Inspectional Services to review the definitions in Section 2 and calculation of Gross Floor Area in Section 5.3.22, and will report back to the Board on any recommended amendments at a future meeting.