Inserted by Beth Melofichek, precinct 9, at the request of Gerry Leonard

Dear Precinct 9 Town Meeting Members and all Members who might read this:

I write as a resident of Precinct 9 to support warrant article 53, which would clarify the rules for developers who want to build tall apartment buildings in the neighborhoods covered by the MBTA Communities Act. The rule immediately in question—the "commercial bonus"—allows developers to build as high as 6 stories (on Mass Ave) and 5 stories (on Broadway) as long as they provide substantial commercial space on the ground floor. This is a laudable rule, which can serve both housing and commercial goals well, as long as it's applied properly. But the Arlington Redevelopment Board has, in my judgment, been bending the rule unreasonably in its effort to approve as much new housing as possible. I think the ARB is acting as it thinks best in pursuit of needed housing, but it has sometimes failed to respect the rules as they are written (as well as the good reasons for those rules). Article 53 clarifies the very important commercial bonus rule in a way that accords with Town Meeting's intended policies of substantial housing growth connected to commercial spaces of an attractive, rentable size.

The commercial bonus rule in section 5.8.4.E.1 of the Zoning Bylaw says that a developer is entitled to add an extra, rent-producing floor to their building if they provide ground-floor commercial space that meets a few requirements. One of those is that the space be at least 60% of the "ground floor area" of the building. Obviously, this rule is meant to permit unusually tall buildings for this area, not by right but in return for meaningful commercial development. The extra floor has to be earned.

A majority of the ARB, however, has interpreted the rule to permit developers to reduce the size of the enclosed ground floors of those buildings as much as they want, thus reducing the required commercial space below any realistic number, while still giving the developer the bonus floor up top. Why would a developer want to shrink the space so much? Because it allows them to provide other amenities, primarily off-street parking, in the space that Town Meeting wanted to go to a retail business or a coffee shop (etc.)--while still getting the bonus floor! For example, if the footprint of the proposed building were 3000 square feet, then normally the rule would require at least 1800 s.f. of commercial space on the ground floor to qualify for an extra story up top. But if the developer wanted to provide 1500 s.f. of covered—but not enclosed—parking on the ground floor, the required commercial space would shrink to a hard-to-rent 900 s.f. under the ARB's interpretation. And that interpretation would <u>entitle</u> the developer to the extra, full-sized story at the top. The ARB would have no discretion to block the proposal.

The common sense of the commercial space rule is that, however large a building a lot can support, the developer should have to dedicate at least 60% of that space on the ground floor to commercial uses if it wants a specially tall building for that area. Article 53 does an admirable job of explaining, in enforceable language, the policy that the original rule always embodied. Article 53 makes no new rule, in my opinion, but simply clarifies that the ARB has strayed from Town Meeting's measured policy and restores the understanding that was embedded in the rule to begin with.

I've tried to stick to the heart of the problem in this message rather than complicating it with many important details, but I am happy to talk more about this issue with any TM Member who is interested to learn more. Thank you for reading and for giving your time to service of the town.

Sincerely,

Gerry Leonard
44 Palmer St
Precinct 9