

**Response to Article 40**  
Zoning Bylaw Amendment:  
Conversion of Commercial to Residential

May 24, 2021

Timur Kaya Yontar – Precinct 7

“Let Facts be submitted to a candid world.”

—*Thomas Jefferson*

# Agenda

1. What the ARB Said
2. What Town Meeting Time Says
3. What the Substitute Motion Says
4. Why This is a Problem
5. My Recommendation to You

# 1. What the ARB Said

- Article 40 inserted on behalf of John L. Worden III
- Recommended Vote: **No Action (5–0)**
- Rationale offered for No Action:
  - “Article would not achieve Arlington’s affordable housing or commercial development goals.”
  - “Article would appear to deter rather than encourage the creation of affordable housing...”
  - “...by limiting the flexibility property owners now have in reinvesting in properties in Arlington.”
  - “Added requirement to seek a Special Permit creates another barrier to property owners reinvesting in buildings.”

—Report to 2021 Annual Town Meeting, p32

## 2. What Town Meeting Time Says

### To Amend (or Substitute)

- “The amendment may consist of adding, deleting or substituting words in the motion to be amended.”
- “It may take the form of a motion to substitute a different motion.”

—Town Meeting Time, 3<sup>rd</sup> ed. (2001), §40, p93

# 3. What the Substitute Motion Says

- Original Article (by John L. Worden III)

...so that said sentence will read as follows:

In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building

- Substitute Motion (by John L. Worden III)

...so that said sentence will read as follows:

In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building

- Take a good look: they are identical

## 4. Why This is a Problem

- Proponent has not added, deleted, or substituted any words
- Proponent has “substituted” the exact same motion, not a different one
- Whatever flaws the original article had, the unchanged “substitute” motion has the same, with no remedies offered

## 5. My Recommendation to You

- I agree with the ARB's Recommended Vote of No Action
- Therefore I oppose the identical “substitute” motion
- **I urge you to vote NO on the “substitute” motion...**
- Then, on the main article:
  - If the “substitute” motion fails, vote YES (No Action)
  - If the “substitute” motion replaces the main article, vote NO