



TOWN OF ARLINGTON

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DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MEMORANDUM

To: MBTA Communities Working Group (MBTACWG, "Working Group")
Arlington Redevelopment Board (ARB)

From: Claire V. Ricker, AICP - Director of Planning and Community Development (DPCD)

Date: August 29, 2023

RE: Updated MBTA Communities Guidelines

Introduction:

On August 16th, the Executive Office of Housing and Livable Communities (EOHLC) issued updates to their guidelines for compliance with Section 3A of Chapter 40A (The MBTA Communities Law). This memo seeks to summarize those updates and provide guidance on how those updates could apply to Arlington.

The guidelines add 13 state funding programs that MBTA communities will be eligible for upon achieving compliance and would allow *certain* MBTA communities the option to require ground-floor commercial space in multi-family buildings in up to 25% of their multi-family districts. Because commercial requirements can drive up the cost of housing production and make projects unfeasible, communities are required to get approval from EOHLC before the community votes on the zoning proposal.

Updated MBTA Communities Guidelines:

Additional Grant Programs Which Will Consider Compliance:

The following discretionary grant programs will take compliance with Section 3A into consideration when making grant award recommendations:

- Community Planning Grants, EOHLC
- Massachusetts Downtown Initiative, EOED
- Urban Agenda, EOED
- Rural and Small Town Development Fund, EOED
- Brownfields Redevelopment Fund, MassDevelopment
- Site Readiness Program, MassDevelopment
- Underutilized Properties Program, MassDevelopment
- Collaborative Workspace Program, MassDevelopment
- Real Estate Services Technical Assistance, MassDevelopment
- Commonwealth Places Programs, MassDevelopment
- Land Use Planning Grants, EOEEA
- Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA
- Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

The Town of Arlington utilizes several of these grant programs to fund planning studies, concept design for potential projects, and other planning activities; for example, DPCD recently applied for a Community Planning Grant to study the feasibility of co-locating affordable housing and public facilities, and was recently awarded an MVP 2.0 planning grant to promote understanding of how local communities respond to climate change, and how governments, aid organizations, and researchers can help those communities to strengthen resilience and adaptive capacity. These projects would not proceed without the support of grant awards distributed by the grant programs listed here.

Furthermore, compliance with MBTA Communities may inform other funding decisions by EOED, EOHL, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

Allow an MBTA Community to Use Mixed-Use Zoning to Meet Up to 25% of their Minimum Capacity:

Many MBTA communities expressed a desire to locate districts in village-style or downtown neighborhoods but feared that allowing multi-family housing as of right in those areas could risk a loss of existing businesses and buildings, thus, the updated guidelines allow mixed use to count for up to 25% of minimum district capacity (which for Arlington is approximately 500 units.) The “offset” of units for mixed-uses is only available where existing village-style or downtown development district is established and essential to preserve pedestrian access to amenities and would still require the Town to demonstrate the same *total* amount of unit capacity. Arlington’s proposed MBTA Communities overlay district is applicable only to residential parcels and does not extend over commercial and industrial parcels meaning that mixed use is still allowed via special permit on those properties.

The update also seeks to protect the financial feasibility of housing development where mixed-use zoning requires ground floor non-residential uses. EOHL must pre-approve the location of a “mixed-use district” up to ninety days before the MBTA community’s vote on its zoning changes. Additionally, the percentage of non-residential floor area of each development is capped at 33% of the ground floor only and prohibits minimum parking requirements for non-residential uses. By design, Arlington’s proposed overlay does not apply to existing non-residential property and allows for development of mixed-use in residential zones via a bonus for commercial uses occupying at least 60% of the floor area and 80% of the frontage on the ground floor at street level.

Effect on Existing Proposal:

The updated guidelines of August 16 do not conflict with the proposal that we have put together with the hard work of the Working Group and DPCD over the last few months. The new guidelines reflect that communities with established mixed-use village and downtown development districts be allowed to continue requiring mixed-use development in those zones. Arlington has a single mixed-use district where Arlington 360 and Brightview Arlington are located and the proposed overlay will not apply to that property, although future rezoning of commercial and industrial properties to “mixed use” should be contemplated as a separate endeavor. Indeed, the ARB is seeking to review existing commercial and industrial zoning throughout the Town via a more wholistic project to establish business and mixed use zones as contemplated in the MBTA guidelines update where today they do not exist.