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**Date:** 01/24/2020 11:03 AM  
**Subject:** Docket #3602 - Omissions in submitted application

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Please include the following correspondence in the docket for Monday's hearing.

To: Arlington Redevelopment Board  
 24 Jan 2020

Having reviewed the updated application materials that were posted yesterday evening, I have noticed a number of key omissions which I wish to call to your attention in advance of Monday's hearing.

### **Gross Floor Area**

I could not find in the posted materials any number given for the Gross Floor Area. This is a key factor in determining compliance with several zoning requirements and is fundamental to the applicant's request for relief from the Floor Area Ratio requirements. It had been misstated in the original application last July.

Using the submitted digital drawings, my accounting of Gross Floor Area is 26,021 sf. Broken down, it is:

Basement (stairwells, elevator, bike room) 1,238 sf  
 First Floor 5,543 sf  
 Second Floor 7,270 sf  
 Third Floor 7,270 sf  
 Fourth Floor (excluding roof decks) 4,700 sf

The applicant is asking for relief from the Floor Area Ratio zoning requirement of 1.5 FAR, which comes to 21,045 sf for this property. The applicant's letter asks for a 'modest' increase, but in actuality it is nearly 5,000 sf over the limit.

The applicant is also incorrect in asking for relief under the 'Bonus Provisions' exceptions:

#### *5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)*

*The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:*

- (1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.*
- (2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is*

***residential.***

Such exceptions are limited to properties of 20,000 sf or more, not the 14,000 sf property under review.

**Elevations**

The submitted Elevation views are lacking in key details. In particular, the only Rear Elevation drawing includes the privacy barrier which clearly does its job because it hides all details about the lower parking level. There are difficult topographic issues regarding the drop off from Clark St that are concealed. The ramp from Clark to the parking area appears dangerously steep, perhaps as much as a 20% to 25% grade. It simply cannot be determined from the inadequate information provided. Nor is it shown what the garage entrance looks like. The limited dimensions provided suggest that the overhead height is very low, perhaps less than eight feet.

The front elevation drawing is odd in that it shows the hotel as being on a level lot. In fact, Mass Ave and the sidewalk in front fall off by four feet from left to right along the frontage of the property.

The applicant appears to be measuring building height only at the front left corner. This is highest point on the property, and a proper determination of building height should be looking at the average finished grade on all sides. This corrected measurement may lead to the uncomfortable conclusion that the proposed building exceeds the allowable zoning requirements.

There are other serious zoning issues that I conveyed to the Board at the July 22 hearing. They remain unaddressed.

**Clark St setback** - 5.3.8 requires a 20 ft setback. *"A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots."*

**Upper Story Step Backs** - There are multiple problems here. 5.3.17 is clear that the upper story step backs are required on all sides with street frontage. This includes the Clark St side. Furthermore, the step back must begin at the third floor, not the fourth as proposed.

5.3.17

*...beginning at the third story level or 30 feet above grade, whichever is less. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys.*

**Usable Open Space** - There simply isn't any. 20% of gross floor area is required.

**B2 district** - One third of the proposed project is within a B2 Neighborhood Business district. Height limitations are 40 feet, 3 story for this portion of the property. But more fundamental is that a hotel is a prohibited use for a B2 district. The applicant may situate

his restaurant on this section of the property, but a hotel can only be built on the B4 section.

I will be glad to discuss these zoning issues in more depth at Monday's hearing. Because of their detailed and technical nature I wanted to give you a preview to study this weekend prior to the hearing.

Respectfully,

Don Seltzer