

## Docket 3602 - Corner Lot Setbacks

The applicant is asking for an exemption from **5.3.8** which specifies that for corner lots, the setback for the street yards must be the same as the required front yard depths of the adjoining lots. For the Clark St frontage, this would be the required front yard setback for the adjoining R2 district or 20 feet. In arguing for an exemption, the applicant has thrown everything but the kitchen sink at the Board, hoping that something will stick. The arguments made are factually wrong, misstate the Bylaw, involve voodoo economics, or appeal to factors that are irrelevant in deterring whether the particular site has unique features that justify such an exemption. Attempting to dissect the various arguments made,

- A. Because the older home at Peirce and Clark St has a 7.9' yard setback from Clark, the applicant argues that his building should be allowed the same setback. That home, at 26 Peirce, is a grandfathered non-conformity. The applicant has no right to any grandfathered exemption and must comply with the stated required setback of 20 feet. Previously the applicant had made a similar appeal based upon an article relating to average front yard setbacks, but which did not apply in this instance because it was limited to vacant lots in residential districts.
- B. The applicant incorrectly states that the proposed design has a setback of 5.7' from the lot line. The architect's latest drawings show that the minimum setback is just 1.8' from the property line.
- C. The applicant's claim to specific conditions unique to the proposal do not include anything related to the site, topography, or neighborhood. An entirely different argument is presented, that the need for a hotel is of such importance that inconvenient Bylaws meant to protect the neighborhood should be waived. Part of this rationale is highly dubious estimates of tax revenue. The applicant claims that if forced to eliminate four rooms from his plans, it will cost the Town \$1,500,000 over the next 40 years.

Let us do a fact check on those numbers. The applicant is claiming that each room in the hotel will generate \$1.5M/4 or \$375,000 in room occupancy taxes over 40 years, or \$9375 per year. With a 5% local room tax, that means that the hotel will operate at 100% capacity, 365 days a year, for 40 years, charging an average room rate of \$513 per night.

By comparison, Homewood Suites in east Arlington generated about \$4000 per room in hotel taxes in 2019, pre-COVID. And Homewood Suites has big roomy suites, some with fireplaces, an exercise room, a business/computer center, and a choice of ample free or valet parking.

And Hotel Lexington? No knowledgeable traveller would pay anywhere near the same rate for a room at this so-called Boutique Hotel. Tiny rooms with little furniture, just a desk, bed, and nightstand. No dresser or bureau. A cramped bathroom. A tiny closet

that is little more than a short hanging rod. This is no fancy boutique hotel, it is designed like a cheap Econolodge. For visiting tourists? There is no place to put more than one change of clothes, nor storage for luggage. This is the kind of place for a single business traveler on a quick overnight.

D. The applicant resorts to an argument familiar to all parents, the “But you let Johnny do it” argument, referring to the Board’s decision to grant similar corner lot setback relief for the Toraya Block redevelopment. This is a predictable consequence of that decision, that every project that followed would demand similar exceptions. But the Toraya Block did have some conditions unique to the site. The existing grandfathered building had no yard setback on Lockeland and the proposed redevelopment was nearly entirely in the same footprint. It was also argued that the large sweeping curve of Lockeland at that site compensated for the loss of any sight lines from the adjoining residential property.

Are there any such “unique” conditions at Mass Ave and Clark St to justify relief? Just the opposite, the site topography is such that the lack of a Clark St yard setback is highly detrimental to the neighborhood. The height of the proposed Hotel, its elevated position above the Peirce St homes, and the north-south relationship already create significant winter shadow impact on some of the homes. For those families living at 26-28-30 Peirce St, the elimination of that 20 foot yard setback means the further reduction of sunlight for several mid-winter months to just two hours a day. Perhaps they should be compensated with the \$10K or so in room tax that the Town will reap from those extra rooms.