



Town of Arlington, Massachusetts
Department of Planning & Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board
From: Claire Ricker, Secretary Ex Officio
Subject: Environmental Design Review, 99 Massachusetts Avenue, Arlington, MA, Docket #3728
Date: December 1, 2022

I. Docket Summary

This is an application by 99 Massachusetts Ave LLC, 99 Massachusetts Avenue, Arlington, MA to open Special Permit Docket #3728 for the conversion of an existing office building to mixed-use by converting the attic to one residential unit at 99 Massachusetts Avenue in the B2 Neighborhood Business District. The opening of the hearing is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review and Section 6.2, Signs of the Arlington Zoning Bylaw.

The Applicant proposes to convert a currently unfinished attic space to a 1,220 square foot two-bedroom residential unit. A building identification sign is proposed for the façade of the new residential unit. All existing commercial office space would remain, although the front entry and interior stair would be renovated, and a new entry and ADA ramp would be constructed for the ground floor commercial unit. The applicant also proposes to add building identification signage to the façade of the new residential unit. Vehicular parking is provided via a surface parking lot in the rear of the property with six parking spaces; the applicant has been asked to provide locations for bicycle parking on a revised site plan, which will be provided at the public hearing on December 5.

Materials submitted for consideration of this application:

- Application for EDR Special Permit, including an Environmental Impact Statement;
- Photos of existing condition and surrounding areas; and

- Site and Architectural Drawing Set, prepared by LR Designs, dated October 31, 2022.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

Mixed-use is allowed by Special Permit in the B2 Neighborhood Business District. The Zoning Bylaw, in Section 5.5.1.D, indicates that the district's predominant uses include small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings, which are allowed and encouraged on Massachusetts Avenue. Mixed-use is a combination of two or more distinct land uses, such as those proposed by this applicant.

The Board can find that this condition is met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

The requested use is essential and desirable. The second key finding in the Master Plan notes that "Massachusetts Avenue has the capacity for growth. It can support mixed-use development commensurate with its function as Arlington's primary commercial corridor. Massachusetts Avenue is accessible to neighborhoods throughout the town; it has frequent bus service, bicycle routes, and good walkability. Increased density through greater building heights and massing would benefit the corridor from an urban design perspective and benefit the town from a fiscal perspective" (p.8).

This proposal will provide one new two-bedroom residential unit with no change to the amount of commercial space provided. New housing opportunities, including market-rate homes, are needed in the community; while this proposal provides only one unit, it nevertheless helps address that demand.

The ground, first, and second floor commercial spaces will remain and be improved through renovated ground and first floor entries, including the provision of an ADA accessible ramp to the ground floor commercial unit. Overall, there will be no net change to the 4,800 square feet of commercial space.

The Board can find that this condition is met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The proposed project does not change the number of parking spaces provided. Six tandem spaces are currently provided in a surface lot at the rear of the site, accessed from Lee Terrace. Regarding bicycle parking, the applicant has indicated they will provide an updated bicycle parking plan at the December 5, 2022, hearing. Bicycle parking is not currently provided on site. It is not expected that the proposed project will unduly impair pedestrian safety.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposed use would add one residential unit to an existing office building, which has been on the site for many years and has not overloaded any public utilities. The Board can find that this condition is met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

No special regulations are applicable to this proposal. The Board can find that this condition is met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

The proposed addition largely maintains the existing façade for the ground, first, and second floors of the building. The renovated entry appears to use similar materials and reflects the design of the proposed fourth floor addition. The redevelopment of the attic space as a residential unit will not impair the integrity or character of the district or the adjoining districts and it will not be detrimental to health or welfare. The proposed structure is generally consistent with the Design Standards for the Town of Arlington.

The proposed mixed-use building is in keeping with adjacent land uses. Both Massachusetts Avenue and Lee Terrace include residential uses. The new residential unit and conversion of the building to mixed-use will not impair the integrity or character of the district, or the adjoining districts and it will not be detrimental to health or welfare.

7. **Section 3.3.3.G.**

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find this condition is met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The existing property is nearly entirely impervious with the exception of grass strips around the front and sides of the building. There is no natural landscape to preserve with the building and parking lot fully saturating the parcel. The landscaping along the Lee Terrace façade will be removed to provide ADA access to the building. The remaining landscaped areas will be improved with new planting. The Board can find this condition is met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

There are a range of architectural styles and zoning districts in the vicinity. The property is in the B2 Zoning District, but within 200 feet are the R1, R2, R3, and B1 Zoning Districts. As such, building heights in the vicinity range from single-story to three and three and a half stories. The primary façade of the building will largely be preserved; however, the entry will be renovated to reflect the design of the fourth floor addition. The applicant proposes to remove the sloped roof and convert the attic to a full fourth floor, which will be set back from the principal façade and Lee Terrace by 7.5 feet.

The applicant has not indicated materials to be used for the addition, however the drawings indicate that a material other than brick will be used. The building includes differentiation and stepping back of the upper story addition, which is encouraged in the Arlington Design Standards. The step-back area is proposed to be used as a balcony for the residential unit, and protected via a glass rail. Along Lee Terrace, the design of the fourth floor is similarly differentiated, although windows of the addition are aligned with the lower story windows.

The renovation of the principal entry improves the relationship between the upper-story addition and the overall building design, and improves the interaction between the sidewalk and the building.

99 Massachusetts Avenue is under the jurisdiction of the Arlington Historical Commission, which will need to review the building design.

The Applicant is proposing a floor area ratio (FAR) of 1.59. The existing building's FAR is 1.27. The Zoning Bylaw allows a maximum FAR of 3.0 for a mixed-use building on a lot less than 20,000 square feet in this zoning district. The proposed height of 40.5 feet is less than the maximum of 50 feet allowed in the Zoning Bylaw.

The Board can find this condition is met.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

As noted above, the proposed project will eliminate one strip of pervious area on the Lee Terrace façade in order to provide ADA access to the building, although landscaping will be improved and added to the front and opposite side façade. The property currently has 220 square feet of landscaped area, and 220 square feet of landscaped area is proposed, however because open space is calculated based on gross floor area, the percentage of landscaped open space will be reduced from 4.6% to 3.7%, which is less than the 10% landscaped open space requirement.

The property does not currently have any usable open space, as usable open space is not required for commercial area. The applicant is seeking a waiver from the usable open space requirement as there is no area on the property in which a 25 by 25 square foot usable open space could be introduced, and the residential unit will have access to a 243 square foot balcony.

Lastly, the applicant seeks relief from the required 10-foot landscaped buffer in Section 5.3.21, as a landscaped buffer is precluded by the applicant's need to provide parking on-site in a surface parking lot that extends to the front façade of the abutting property in the R3 District.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The property presently includes a total of 6 vehicle and no bicycle parking spaces. The surface parking lot provides 6 spaces for tandem parking for vehicles. Parking access is provided from Lee Terrace. The applicant has not proposed to change the parking lot.

The parking requirement is for mixed-use which calculates the parking required for each individual use; the parking required for the residential use totals 1 parking space, and while the commercial office space would typically require 10 parking spaces, the first 3,000 square feet of non-residential space in mixed-use buildings is exempt from the parking requirements per Section 6.1.10.C.

Pedestrian access to the building would be improved, as a new accessible entry to the ground floor office suite is proposed.

Regarding bicycle parking, the applicant did not propose new short-term or long-term bicycle parking with their original proposal, however it is expected that a plan for bicycle parking will be provided as part of the hearing on December 5.

Vehicle Parking Requirements*			
Residential Use	Number of Units	Zoning Requirement	Total Parking Required
Housing unit	1	1	1
Commercial	Square feet	Zoning Requirement	Total Parking Required
Office	4800	1 per 500sf	4*
Total Required Vehicle Parking			5
Total Proposed Vehicle Parking			6
* First 3,000sf of non-residential space in mixed-use buildings is exempt.			
Bicycle Parking Requirements			
Use	Short-Term Parking		Long-Term Parking
Residential	0.1		1.5
Office	2.4		1.44
Total Required Bicycle Parking	3		3
Total Proposed Bicycle Parking	n/a		n/a

The proposed project is highly accessible by transit, bike, and walking. The provided parking is intended for residential and office tenants, with visitors relying on on-street parking. As such, the impact of the trips is dispersed across Massachusetts Avenue.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce

clearing and re-grading. **Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. In accordance with Section 3.3.4., the Board may require from any Applicant, after consultation with the Director of Public Works, security satisfactory to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the Applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.**

There will be no changes to existing impervious conditions as part of this proposal. The application indicates that as part of the proposal, stormwater runoff from the roof will be routed to new in-ground structures. The Board may wish to request additional information about the proposed stormwater runoff system, however because there is no increase to impervious surface the proposed design complies with the Town's current stormwater bylaw.

6. EDR-6 Utilities Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

All utility service will be provided through connections to existing utility lines adjacent to the site. The Board can find that this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The application materials show a representative building identification sign on the façade of the proposed fourth floor addition. Under Section 6.2.1(E)(4), building identification signs not exceeding four square feet in area on mixed-use buildings are exempt from the Sign Bylaw.

Any future signage would be subject to review by the Department of Planning and Community Development, and possibly the Redevelopment Board, prior to the issuance of a sign permit. Additionally, if any lighting or other potential outdoor features relative to the building are proposed they should be provided.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

No special features are proposed. The Board can find that this condition is met.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The proposed building has been designed to meet all relevant health and safety codes. The Board can find that this condition is met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal, or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

The property at 99 Massachusetts Avenue is listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. As such, this property is under the jurisdiction of the Arlington Historical Commission, which will need to review the building design. This permit shall be conditioned on their approval.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There are no proposed changes that would affect the microclimate. The Board can find that this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council

Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

A LEED checklist was not provided; however, the applicant is intending to provide this information by the opening of the public hearing.

IV. Findings

The following findings are for the Board's consideration:

1. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw.

V. Conditions

A. General

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The

applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.

7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
10. This project must be further reviewed and approved by the Arlington Historical Commission.