



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, 80 Broadway, Arlington, MA, Docket #3717
Date: November 3, 2022

I. Docket Summary

This is an application by Eighty Broadway LLC, 201 Broadway, Arlington, MA to open Special Permit Docket #3717 for the construction of a mixed-use building containing retail and commercial office space and nine residential housing units at 80 Broadway in the B4 Vehicular Oriented 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 Special Permit of the Arlington Zoning Bylaw.

The Applicant proposes to demolish an existing one-story retail building and construct a mixed-use building; the proposed uses include 1,500 square feet of ground floor retail space, 891 square feet of commercial office space on the second floor, and nine (9) residential units. The proposed project meets the threshold for the inclusionary housing requirements; therefore one (1) unit of the nine total units must be made affordable per Section 8.2 of the Zoning Bylaw. Parking is provided onsite with six vehicular parking spaces and thirteen (13) long- and short-term bicycle parking spaces.

Materials submitted for consideration of this application:

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- Application for EDR Special Permit, including Dimensional and Parking Worksheet and Environmental Impact Statement;
- Site Development and Architectural Drawing Set, prepared by Choo & Company, Inc., dated October 19, 2022; and

- Storm Drainage Report, prepared by Columbia Design Group, LLC, dated September 6, 2022.

On Wednesday, October 26, 2022, a Development Review Team (DRT) comprised of staff below reviewed the application materials. Comments from the DRT are incorporated into this memorandum.

- Michael Ciampa, Director of Inspectional Services
- Tim Ross, ADA Coordinator
- Deputy Chief Ryan Melly, Arlington Fire Department
- Tim Lecuivre, Tree Warden
- Wayne Chouinard, Town Engineer
- Daniel Amstutz, Senior Transportation Planner
- Claire Ricker, DPCD Director
- Kelly Lynema, DPCD Assistant Director

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 B4 Vehicular Oriented Business District. Prior to the property's use as a retail establishment it served as a gasoline station. The Zoning Bylaw, in Section 5.5.1.D, indicates that as the automotive-oriented businesses have closed, the Town encourages the conversion of the property to other retail, service, office, or residential use, particularly as part of a mixed-use development.

The Board can find that these conditions exist for the proposed project site and the mixed-use development should be encouraged.

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 Master Plan promotes mixed-use as a means to revitalize business districts, by bringing customers and street life to commercial areas. From a land use perspective, the Master Plan encourages development of higher value mixed use buildings along commercial corridors, including Broadway, by allowing taller buildings and reducing off-street parking requirements.

This project will add nine residential apartment units, of which one unit will be affordable to eligible households making up to 70% of the area median income, and two commercial spaces. The Town has clearly established both market rate and affordable housing priorities described in its Housing Production Plan (adopted by the Select Board

and Redevelopment Board and approved by the State in 2022). New housing opportunities, including market-rate and affordable homes, are needed in the community; this project helps address that demand.

The project will move the retail area from behind the surface parking lot forward to embrace Broadway and Winter Street. Overall, there will be net increase of approximately 1,033 square feet of commercial space, which will be divided between a larger ground floor retail space (1,500 square feet) and a second floor commercial space (891 square feet).

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 includes six parking spaces for cars, located on the ground level of the property, composed of five standard parking space and one ADA accessible parking space. Parking is to be accessed through one curb cut on Broadway. A second curb cut on Broadway will be closed, as will a curb cut on Winter Street.

Regarding bicycle parking, the project includes eight long-term parking spaces for residents in a bike storage closet, accessed from a walkway off Winter Street. Five short-term bicycle parking spaces are proposed along the Winter Street façade of the building. It is not expected that the proposed project will not create undue traffic congestion or unduly impair pedestrian safety. The Board can find that this condition is met.

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.

A Storm Drainage Report Drainage Summary letter indicates that standards have been met with the proposed stormwater design, which includes collecting runoff from the roof and parking areas via roof drains and gutters, and catch basins in the parking lot and installation of an underground filtration system. In addition, a landscaped buffer will be introduced the site and street trees will be planted. Overall the proposal will result in a reduction of impervious area and quantity of stormwater flowing from the site. The proposed project will improve, not overload, 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.

As a condition of any decision for the proposed mixed-use building, the Applicant will need to fulfill the requirements of Section 8.2 which outline the affordable housing requirements. A building with nine units requires one affordable unit that is representative of the mix of units in the building available to eligible households making up to 70% of the area median income. There are no other special regulations for the use that must be fulfilled. 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 building maintains a ground floor retail use, a use which has been in this location since conversion from a gas station in the early 1980s. The addition of commercial office space and residential units is described in the definition of the B4 zoning district as desirable; the definition specifically states, “the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development. In particular, this proposal both increases overall commercial space on the property and provides new residential housing. These additions 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 Board can find that this condition is met.

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 almost entirely impervious and there is no natural landscape to preserve with the building and parking lot fully saturating the building lot. The existing 596 square feet of landscaped areas are in poor condition. There are currently no street trees along the perimeter of the lot.

As part of the project, 1,396 square feet of landscaped open space will be created, serving as a landscaped buffer of perennials, flowering trees, and shrubberies on the side and rear of the property. The new landscaping will introduce a buffer between the

proposed development and 82 Winter Street and 86 Broadway. Five columnar ginkgo street trees are proposed: three on Winter Street and two on Broadway.

The Tree Warden has confirmed that the tree selection is appropriate for this site. Structural soil should be used under the sidewalks and to support the proposed street trees. The Columnar Ginkgoes will not interfere with overhead utility wires, however only male Ginkgo trees should be planted. A Snowdrop Tree should be considered in lieu of the Sargent Crabapple Tree to minimize fruit droppings and maintain ADA standards.

The Board can find that 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, ranging from single- and two-family homes to apartment buildings, and from single-story commercial to mixed-use developments. Building heights in the vicinity vary from one to four stories, and have a variety of setbacks in relationship to their street frontage. The proposal will bring the building closer to the street, improving its relationship to the public realm. The second through fourth stories of the building are set back from the commercial façade, reducing the visual massing of the structure, and the fifth story is further set back. The Applicant should provide dimensions of the step backs to understand whether the proposal complies with Section 5.3.17, Upper Story Building Step Backs. Additionally, the applicant should note where the 15.3 foot rear yard setback requirements is met, as that dimension is not clearly identified in the plans.

While this will be the first five-story building in the area, at 55 feet and with an FAR of 1.98, the proposed building is smaller than the maximum dimensional allowances for the B4 district. However, because the property is adjacent to the R2 district, the Applicant may be in need of relief from Section 5.3.19, Reduced Height Buffer Area, unless unit 5D can be considered a penthouse, in which case Section 5.3.20(A) may apply. The Board may choose to grant relief if it determines that “the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition.”

The proposal meets the standards for transparency and access as defined in Section 5.5.2(B)(4). Both the Broadway and Winter Street facades feature an appropriate level of architectural detailing, and include large commercial windows to provide ground floor transparency. The ground floor storefront on Broadway has a clearly defined primary entrance. The lobby entrance for the office and residential uses on the upper floors is located on Winter Street, is distinct from the retail entry, and is not overly sized.

Overall, the Applicant may need relief from the upper story stepback requirement, the reduce height buffer area, and the rear yard setback requirements. Additional details should be provided to clarify whether relief is necessary and requested.

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 add areas of landscaping to a largely impervious site. The proposal includes approximately 1,396 square feet of landscaped open space along the side and rear of the building, which also provides a buffer with the adjacent buildings at 82 Winter Street and 86 Broadway. The total residential floor area is 6,984 square feet, therefore nearly 20% landscaped open space is proposed, exceeding the 10% requirement. The Applicant should consider preserving the existing grass strip along the sidewalk on Broadway.

The usable open space is located on the roof deck and is approximately 814 square feet. This is just under 12% of the usable open space requirement and does not meet all the requirements for usable open space. The Applicant may wish to consider opening the roof of the ground level commercial space as usable open space for the commercial unit and unit 2B, or to convert the area to a green roof to increase the overall amount of usable open space.

Lastly, under this proposal the Applicant may need relief from the required 15-foot buffer in Section 5.3.21, as a landscaped buffer is precluded by the applicant's need to provide parking on-site. Section 5.3.21 refers to Section 5.3.7, of which subsection B refers to the screening provisions laid out in Section 6.1, of which Section 6.1.11(E) lays out conditions under which the landscaping standards may be modified. Under this latter section, the Board may find that the proposal adequately has adopted reasonable measures to meet the intent of the standards and also provided landscaped space at another location in the parking lot.

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 proposed project includes a total of six vehicle and 10 bicycle parking spaces. The ground-level parking area provides five standard parking spaces for vehicles, and one van-accessible HP vehicle space. Parking access is provided via a drive aisle from Broadway. The proposed number of vehicle parking spaces is a reduction of existing parking; at present the site provides eight parking spaces. Additional on-street parking is available along Broadway.

Within the parking area, the drive aisle width is less than the 24 foot minimum specified in Section 6.1.11(C)(3), and access and egress from the two parking spaces closest to 82 Winter Street may be challenging. Dimensions of each parking space should be note on the parking layout diagram (Sheet A-1.1) to ensure that spaces are appropriately sized.

The parking requirement is for mixed-use which calculates the parking required for each individual use; the parking required for the residential use totals nine parking spaces, and while the retail and commercial space would typically require seven 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. The applicant is requesting a reduction in the number of parking spaces provided to six spaces per Section 6.1.5 of the Zoning Bylaw. As such, the Applicant should submit a Transportation Demand Management Plan.

Pedestrian circulation around the building would be improved, as two curb cuts would be closed as part of the proposal. A brick walkway connects the parking area to the residential lobby on Winter Street, which is buffered by a new small plaza. Access to the upper floor residential units is provided directly through a lobby off the parking area, as is the trash and recycling area. Street trees along Broadway and Winter Street will be introduced, providing shade and improving the human scale elements of the ground floor space. Structural engineered soils should be used under the hardscape, and the Applicant should provide details on the types of pavers or bricks selected to ensure ADA compliance.

The sidewalks on Winter Street and Broadway will need to be reconstructed by the Applicant as part of the redevelopment. Any potential improvements in the public right-of-way will require additional review and approval by the Engineering Division to ensure that curb lines are set at the correct elevation.

Regarding bicycle parking, under this proposal the Applicant would need relief from the long-term bicycle parking requirement. Five short-term spaces are provided off Winter Street and the walkway leading to the parking area, one more than the minimum required. The Applicant should consider moving the short-term bicycle racks slightly further from the building walls to allow for parking on both sides.

Indoor long-term bicycle parking is provided in a storage area accessed from the walkway between Winter Street and the parking area; eight spaces are proposed, eight less than the minimum required. Dimensions of the long-term bicycle parking area

should be provided to understand whether the room is sufficiently sized to provide the proposed number of parking spaces; additional space between the bicycle racks, and also between racks and the walls, may be necessary. Details on how the doors are operated should also be provided. Overall, bike rack specifications are needed to determine compliance with Section 6.1.12.E.

Vehicle Parking Requirements*			
<u>Use</u>	<u>Number of Units</u>	<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Residential Units	9	1	9
<u>Commercial</u>	Square feet	Zoning Requirement	Total Parking Required
Retail*	1,500	1 per 300sf	5
Commercial/business*	891	1 per 500sf	2
Total Required Vehicle Parking*			9
Total Proposed Vehicle Parking after Section 6.1.5 Reduction			6
* First 3,000sf of non-residential space in mixed-use buildings is exempt.			
Bicycle Parking Requirements			
<u>Use</u>	<u>Short-Term Parking</u>	<u>Long-Term Parking</u>	
Residential	1	14	
Retail/Commercial	3	2	
Total Required Bicycle Parking	4	16	
Total Proposed Bicycle Parking	5	8	

The proposed project is accessible by transit, bike, and walking. The provided parking is intended for residential tenants and not for patrons of the commercial space, with commercial tenants and visitors relying on on-street parking on Broadway. As such, the actual impact of the vehicle trips is dispersed across Broadway and adjacent residential streets (Oxford Street, Winter Street, and Heath Road).

As proposed, the Applicant would need relief from the drive aisle dimensions described in Section 6.1.11.C(3). The parking area narrows from a 24- to 20-foot drive aisle, less than the required 24-foot aisle necessary for two-way traffic.

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.

The application materials, drainage summary letter, and site development plan show that surface water drainage will be improved through the installation of pervious pavers and an underground stormwater infiltration system that will receive reduce stormwater runoff from the site. In addition, approximately 1,008 square feet of presently impervious pavement will be replaced with landscaped areas. This is an improvement over the existing conditions. The proposed design complies with the Town's current stormwater bylaw. Final design materials must be submitted for review and approval by the Town Engineer, including a site plan that shows catch basins and filtration systems.

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.

The Applicant notes that all utility service will be provided through connections to existing utility lines adjacent to the site. A site plan with utilities identified, including where fire department hook-ups are provided and/or hydrant locations, should be provided. Water and sewer should be separated by ten feet and domestic protection should adhere to what the Water Division requires.

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 Applicant has proposed two wallsigns, one for each façade of the retail storefront, which is in the Business Sign District. The total sign area exceeds the maximum allowable square footage in the Business Sign District. The Applicant will need a Special Permit to allow the business to install signage in excess of what is permitted.

- The primary wall sign is located along the Broadway façade, above the principal entry to the retail space. The sign would be mounted at a height of 11 feet 6

inches, and is 48.3 square feet. The sign occupies approximately 64% of the width of the sign band, greater than the 60% maximum.

- The secondary wall sign is located along the Winter Street façade, centered above the secondary egress door. The sign would be mounted at a height of 11 feet 6 inches, and is 16.8 square feet. The sign occupies approximately 60.2% of the width of the sign band, greater than the 60% maximum.

Both signs would either be non-illuminated or halo illuminated letters directly mounted to the building face or a sign background.

The proposal exceeds the maximum cumulative wall sign area of 40 square feet. Per Section 6.2.2(C), the ARB may grant a Special Permit to allow signs in a location other than what is allowed, “provided the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be allowed in the public interest.”

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, lighting and any other potential outdoor features relative to the building 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.

The roofing plan provided indicates that roof structures are appropriately set back. The site plan shows an enclosed trash and recycling area located adjacent to the parking area. Solar panels are proposed for the roof of unit 5D. 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 Applicant notes that the proposed building has been designed to meet all relevant health and safety codes. A lighting plan was not provided as part of the plan set, additional fire suppression will be needed in the parking area, and the location of the

nearest fire hydrant(s) should be noted on the site plan. The preferred hydrant location is on Broadway due to Winter Street being a one-way street. These details are needed to assess safety criteria and compliance.

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 building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. The Board can find that this condition is met.

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.

Based upon materials provided in the application, there will be no adverse impacts on air and water resources or on temperature levels of the immediate environment. The addition of five street trees will reduced the heat island effect identified in this section of the Broadway corridor. 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. The Applicant notes that the project will be HERS Rater verified.

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.
2. The ARB finds that the five-story building will not adversely affect the adjacent R2 zoning districts per Section 5.3.19.

3. The ARB finds that the vehicle and bicycle parking improvements justify the parking reduction per Section 6.1.5.
4. The ARB finds that the landscaped areas adjacent to the parking area justify the buffer area reduction per Section 6.1.11.

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. Building signage will be filed with and reviewed and approved by the Department of Planning and Community Development and Inspectional Services.

B. Special Conditions

1. The owner will work with the Department of Planning and Community Development to comply with all requirements of Section 8.2, Affordable Housing Requirements.
2. The affordable unit must be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms, and external appearance.
3. An Affordable Housing Deed Restriction shall be executed with the Town prior to issuance of an Occupancy Permit for the two affordable units.
4. No condominium conversion of said affordable rental units shall be permitted without the express permission of this Board. In the case of a proposed condominium conversion, Applicant shall work with the Department of Planning and Community Development to ensure that the units continue to meet the requirements of Section 8.2.