

Attn: Commissioner Mark Samuelian

RE: Rooftop Structure at 120 MacArthur Causeway office building

Would you consider reining in rooftop structures and rooftop activations.

I have noticed recent projects where unusually tall rooftop structures are being snuck which greatly increases the building's height beyond the maximum height restrictions. This is happening because of a loop hole since rooftop structures are not included in the maximum height calculations. Originally, rooftop structures were only to include mechanical rooms but developers are now designing rooftop structures which activate the space. This was not the original intention of the land use rules. This loop hole should be closed.

For example height of 120 Mac Arthur is supposed to be 75 feet. But, the actual height of the building proposed is 110 feet because a 20 foot tall roof is being created over the rooftop restaurant (see attachment).

Also, the rooftop restaurant is not included in the maximum allowable F.A.R. This is another loophole that must be closed. This rooftop space is being used as a business, it generates income, it has a roof, it is contributing to the density and occupancy of the building so it makes perfect sense to include any rooftop structure, (that is not a mechanical roof) in the FAR calculation.

It is in the public interest to close loopholes in the Land Use Regulations. The public should have a clear expectation of what the zoning laws mean, i.e. 75 feet means 75 feet, not 110 feet. Also, it is in the public interest for commercial building to pay their fair share of property tax and that isn't happening because activated rooftops are invisible F.A.R.