



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: September 11, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning ET

Cc: Stephen J. Buchbinder, attorney representing applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Request to allow the extension of a nonconforming structure and waive up to 75 required parking stalls in two phases**

| Applicant: BH Normandy LLC |                               |
|----------------------------|-------------------------------|
| Site: 399 Grove Street     | SBL: 42011 0004               |
| Zoning: BU5                | Lot Area: 116,649 square feet |
| Current use: Hotel         | Proposed use: Hotel           |

### BACKGROUND:

The property at 399 Grove Street consists of an 116,649-square foot lot improved with a six-story hotel and associated parking structures. The Riverside Motor Inn was originally approved in 1963 by a permissive use permit (B.O. #392-63) from the Board of Aldermen. Subsequent special permits issued in the following years modified the site plan and provided for an approved signage package for a Holiday Inn hotel by 1965. Over the years the hotel has changed ownership a number of times. Additional special permits were granted in the 1980's authorizing a satellite antenna dish and new signage. A variety of other changes to the site appear to have been made without the required approvals resulting in a number of noncompliant features on the site. The applicant now proposes to legalize these features. Furthermore, the applicant anticipates a future taking of a portion of the rear of the lot to provide for a rear access road into the proposed Riverside Station development at 327 Grove Street. This zoning review considers both the legalization and amendment of various operational considerations in a "Phase 1." A second "Phase 2," is reviewed for such time as the rear access road is constructed and/or taken by a State Instrumentality.

The following review is based on plans and materials submitted to date as noted below.

- Revised site plans (C-1 through C-4), signed and stamped by Curtis R. Quitzau, Engineer, dated 8/14/12 including numbered and dimensioned parking stalls on sheets C-3 and C-4
- As-built site plan, signed and stamped but not legible, dated 4/13/64
- Site plan approved by permissive use permit (B.O. #392-63), signed but not legible, dated 5/17/63
- Architectural plan showing proposed pool deck awning, unsigned, dated 7/9/12
- Letter signed and stamped by Harry Feldman, Surveyor, dated 8/23/12 stating that the lot has not changed shape since 1963 and that the original lot area was likely an error
- Letter by Ralph E. Nolan, Engineer, dated 3/3/64 describing necessary changes from the approved 1963 site plan resulting from the construction process
- Letter signed by John Lojek, Commissioner of Inspectional Services, dated 8/3/12 determining that the 1964 plan represents an approved as-built site plan, that the existing parking and signage must be reconciled with the previous special permits and existing ordinance, and that the front service entryway facilities was approved in roughly its existing condition.
- Parking calculations for the original and proposed uses, unsigned, unstamped, and undated
- Signage plan, by VHB, Engineers, unsigned and unstamped dated 5/2/12
  - Email from Franklin Schwarzer, Attorney, giving the area and dimensions of the signs on the elevator penthouse and free-standing sign.
  - Design drawings for south facing Hotel Indigo sign, by ViewPoint, revised 5/9/12
  - Design drawings for Hotel Indigo portico sign, by ViewPoint, revised 4/24/12
  - Design drawings for BOKX 109 portico sign, by ViewPoint, revised 4/24/12
- Copies of the following board orders (attachment A):
  - Board Order #392-63 (May 20, 1963) authorizing a 200-unit motel and site plan
  - Board Order #335-65 (June 21, 1965) authorizing signage for a Holiday Inn
  - Board Order #810-85 (February 18, 1986) authorizing a satellite dish antenna and revised site plan
  - Board Order #291-86 (May 19, 1986) authorizing signage for Holiday Inn
  - Board Order #747-86 (March 2, 1987) authorizing signage for Days Inn

## **ADMINISTRATIVE DETERMINATIONS:**

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1. A hotel at 399 Grove Street was originally allowed by a permissive use permit from the Board of Aldermen in 1963 (B.O. #392-63). At that time, 399 Grove Street was located in the Business AA zone. As part of B.O. #392-63, the Board applied a condition that no sign or advertising device of any kind is allowed on the property without the prior approval of the Board of Aldermen. B.O. #392-63 also allowed a building of up to 60 feet above the mean grade of Grove Street. (A complete list of Special Permits for 399 Grove Street is included in Attachment A.) The City's records include a site plan that was approved with B.O. #392-63 and a revised as-built plan submitted in 1964. The Commissioner of Inspectional Services has determined that the 1964 plan was an approved plan whose modifications resulted from changes during the construction process as noted in a 1964 letter from Nolan Engineering Service. Therefore, some features of the site that were approved under this permissive use permit and site plan are legally nonconforming, including the building height, stories, lot coverage, side setback and the location of the loading facility. However, subsequent to this approved plan, a number of other features on the site have changed without apparent approval from the City, including the number and location of parking stalls and signage. Where possible, this zoning review attempts to bring the features of the site into conformity with the current zoning ordinance; where not possible, this review identifies which features may continue as legal nonconformities.

- The applicant's plans show a range of proposed modifications to the site that legalize existing noncompliant features, improve hotel operations, and provide future rear access into the Riverside Station development at 327 Grove Street. This review divides these changes into Phase 1 (largely legalizing existing noncompliant features and improving hotel operations) and Phase 2 (focusing on dividing the lot to create a rear access road into the development at 327 Grove Street). This application addresses Phase 1 first and then indicates what further relief would be required to achieve Phase 2.

### Phase 1

- The property at 399 Grove Street operates under a number of prior special permits. The applicant must consolidate any conditions or approvals that remain relevant from the previous permits into this new approval to create one comprehensive and complete special permit and site plan governing the site. This new site plan shall incorporate any changes that may be noncompliant under approved site plans, including existing wireless facilities approved in error by administrative approval, and if approved by the Board of Aldermen, legalize them.
- The site plan approved in 1964 shows a lot area of 121,700 square feet. The applicant's current survey shows a lot area of 116,649 square feet, a gap of approximately 5,000 square feet. The applicant's surveyor has written a signed and stamped letter, dated 8/23/12, certifying that the shape of the lot has not changed since the original plan and stating that the original area was likely an error. This review takes the recently surveyed lot area as the basis for all dimensional and density calculations going forward.
- The property is in the BU5 zone and must comply with the dimensional standards of Section 30-15, Table 3 (see chart below).

| BU5 Zone             | Required/Allowed              | Existing/Phase 1   |
|----------------------|-------------------------------|--|
| Lot Size             | 2 acres (87,120 square feet)* | 116,649 square feet  |
| Frontage             | N/A                           | 166.7 feet   |
| Setbacks             |                               |  |
| • Front              | 15 feet                       | 72.3 feet to Grove Street and 33.7 feet to Recreation Road |
| • Side               | 10 feet                       | 12.4 feet  |
| • Rear               | 15 feet                       | (No rear lot line)   |
| FAR                  | 1.0, up to 1.5 by S.P.        | 1.0  |
| Building Height      | 36, up to 48 by S.P.          | <b>74.9 feet**</b>   |
| Maximum Stories      | 3, up to 4 by S.P.            | <b>8**</b>   |
| Max. Lot Coverage    | 25%                           | <b>41%</b>   |
| Min. Landscaped Area | 25%*                          | <b>21%</b>   |

\* Per Section 30-11(i)(5)

\*\* Built per B.O. #392-63; see #6 below

6. B.O. #392-63 permitted a building of up to 60 feet in height above the mean grade of Grove Street abutting the site. The 1963 plan shows an elevation indicating that the building complied with this requirement at the time. At the time and until the present there has been an exemption for elevator penthouses that exceed the roof height by up to 15 feet. The applicant's current elevation shows that the elevator penthouse exceeds the roof height by 16.5 feet. The 1963 plan does not show the height of the elevator penthouse. The 1964 as-built plan shows a final roof elevation of 156.43 feet over a base elevation of 100 feet at Grove Street. The Commissioner of Inspectional Services has determined that the 15-foot exemption should be subtracted from the additional height of the elevator penthouse for a final roof elevation of 157.93 feet (156.43' + 1.5'), less than the maximum set by the original permissive use permit, B.O. #392-63.

However, since the hotel's original construction, the City's definitions of building height and average grade plane have changed. The current definition of average grade plane has lowered the baseline for calculating the overall height of the building and number of stories because the full perimeter is considered including the steep grade down toward the rear of the lot which exposes the basement levels and parking structure. Based on the applicant's current elevations, the overall height of the structure is 89.9 feet with 8 stories. If the 15-foot exemption were subtracted from the total height, the building would be 74.9 feet. Therefore, the building is nonconforming with respect to height and number of stories. As no changes are proposed to this legally nonconforming feature, no additional zoning relief is required.

7. The applicant's site plans show a stairway and elevated walkway between the north façade of the hotel and the north lot line. The Commissioner of Inspectional Services has determined that these features are part of the original construction of the hotel. As these features provide a second form of emergency egress from the hotel and from the pool deck, they do not count toward the required setback distances, per Section 30-15(d) for stairs, bulkheads, and other forms of emergency egress. The side setback is therefore 12.4 feet to the main building façade and conforming. No additional zoning relief is required.
8. The applicant proposes to add an awning over a portion of the pool deck to provide additional cover from the weather. The awning counts as an extension of a nonconforming structure and a modification to the site plan. To locate the awning as proposed, the applicant must obtain an amendment to the previously approved site plan from the Board of Aldermen and a special permit, per Section 30-21(b).
9. Per Section 30-15, Table 3, development in the BU5 zone is limited to 25% lot coverage. The applicant's plans and calculations show that the existing structure's lot coverage is 41% and unchanged from the originally approved construction. The Business AA zone did not limit lot coverage as it is regulated today. Therefore the lot coverage is legally nonconforming and no further zoning relief is required.
10. Per Section 30-11(i)(5), hotels and motels located in the BU5 zone shall have a minimum lot size of two acres and a minimum landscaped area requirement of 25% of the lot area. "Landscaped area" is not defined in the Zoning Ordinance. At the time of the hotel's construction a 25% landscaped area requirement was also in effect and the 1964 plan shows greater than 25% "landscaped area,"

including a landscaped portion of the pool and sundeck. The applicant’s plans and calculations show that the lot currently has only 21% landscaped area. The loss of landscaped area appears to have occurred when the landscaped area of the pool deck was eliminated. Therefore, the property is noncompliant with respect to landscaped area. The applicant must either bring the landscaped area into compliance or obtain a variance for landscaped area from the Zoning Board of Appeals.

- The 1964 site plan indicates a total of 289 proposed parking stalls, including ten stalls in the front, 107 stalls on the upper parking deck level, and 172 stalls under the parking deck and at grade to the rear. However, the individual parking stalls are not drawn on the plan with the exception of the ten stalls located at the front of the building. Over the intervening years there have been several changes to the parking facility including the addition of pedestrian walkways within the parking structure and handicap parking facilities that have reduced the overall number of parking stalls. The applicant’s plans show a current total of 216 existing stalls. In Phase 1, the applicant proposes to increase the number of stalls to 224 through more efficiently striping the existing facilities.

| Area                | 1964 Plan  | Existing   | Phase 1    |
|---------------------|------------|------------|------------|
| Front/Lobby         | 10         | 4          | 5          |
| Upper Parking Level | 107        | 74         | 74         |
| Lower Parking Level | 172        | 138        | 145        |
| <b>TOTAL</b>        | <b>289</b> | <b>216</b> | <b>224</b> |

There are insufficient records of the original configuration of the parking facilities and the subsequent changes to apply a grandfathered parking approach, per Section 30-19(c). Therefore, this review starts with a clean slate to determine what parking relief is required for the applicant’s proposed use and reconfiguration of the site. Per Section 30-19(d)(3) and (d)(13) the required parking for the existing uses is 279 stalls (see the table below). The applicant proposes to provide 224 stalls in Phase 1. To utilize the site as proposed in Phase 1, the applicant must obtain a special permit from the Board of Aldermen per Section 30-19(m) to waive 55 (279-224=55) required parking stalls.

| Proposed Uses                         | Parking Formula  | Required Parking |
|---------------------------------------|--|------------------|
| 191 hotel rooms                       | 1 stall per room   | 191              |
| 21 employees on the largest shift     | 1 stall per three employees  | 7                |
| 458 seat restaurant                   | 1 stall per 3 seats, divided by 2 for a restaurant attached to a hotel     | 77               |
| 20 employees on the largest shift     | 1 stall per 3 employees, divided by 2 for a restaurant attached to a hotel | 4                |
| TOTAL Requirement                     |  | 279              |
| Off-street parking spaces (Phase 1)   |  | 224              |
| <b>Number of stalls to be waived:</b> |  | <b>55</b>        |

- The applicant’s parking plan shows significant deviations from the parking design requirements of the current Zoning Ordinance. At the time that the parking facility was constructed, the Zoning Ordinance did not require specific parking facility design standards so the existing stall layout may

be legally nonconforming. However, as neither the 1963 nor 1964 plan shows the stall layout of the proposed parking facility it is not possible to say for certain that the existing layout is nonconforming. Therefore, this zoning review recommends that the applicant obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive strict compliance with the parking design standards of Sections 30-19(h), (i), (j), and (k) as follows.

Per Section 30-19(h)(2), parking stalls must have a minimum dimension of 9' x 19.' The applicant's site plan shows that all of the stalls located within the parking deck and some of the at-grade stalls do not meet these requirements. Per Section 30-19(h)(3), maneuvering aisles must be 24 feet wide for 90-degree parking. The applicant's site plan shows that the maneuvering aisles do not meet this requirement. The applicant's plans do not show the required maneuvering space for end parking stalls within the parking deck, as required per Section 30-19(h)(2)e). The applicant's site plan shows an entrance and exit driveway of 36 feet where a maximum of 25 feet is permitted, per Section 30-19(h)(4). The applicant's plans do not clearly indicate compliance with either the landscape buffer requirements of Section 30-19(i)(1) or the interior landscaping requirements of Section 30-19(i)(2), including a minimum green-space of 5% of the total outdoor facility, with all components at least 20 square feet and not less than five feet in any dimension, and at least one tree for every ten stalls. The applicant's plans also do not note compliance with the lighting, surfacing, curbing, and maintenance requirements of Section 30-19(j). Section 30-19(k) requires a minimum of 23 bicycle-parking stalls for the parking facility proposed for Phase 1; the location of these required stalls is not noted on the proposed plan. To construct the parking facility as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-19(m), to waive the required stall dimensions, aisle width, end stall maneuvering space, entry and exit drive width and either comply with the landscape buffering, interior landscaping, lighting, surfacing, curbing, maintenance and bike parking requirements or obtain waivers through approval of a special permit per Section 30-19(m).

13. Per Section 30-19(l), hotels between 100,000-150,000 square feet of gross floor area must provide two loading bays meeting the design standards of Section 30-19(l)(3). The applicant's existing site plan shows two loading facilities meeting the required dimensions of Section 30-19(l)(3)a), one on the east side of the building facing Grove Street and another on the south side of the building. The Commissioner of Inspectional Services has determined that the loading facility facing Grove Street was approved as part of the 1964 plan. The applicant proposes to modify the loading facility by adding a fence, new trash enclosures, and other improvements to reduce impacts on neighbors. No further zoning relief is required.
14. The original permissive use permit granted by the Board of Aldermen in 1963 required that the Board approve all future signage. Subsequently, Board Order #335-65 permitted the original signage package for Holiday Inn including two signs affixed to the elevator penthouse facing southeast and northwest, a portico sign, and a free standing sign. Then in 1986 the Board of Aldermen granted a special permit (B.O. #291-86) to Days Inn to modify the signage approved in 1965 to the Days Inn logo. In 1987, a special permit (B.O. #747-86) was granted that changed the signage permitted by B.O. #291-86, limiting the size and colors of the proposed signs and eliminating the signs from the east façade of the elevator penthouse and the canopy. No special permits relating to signage have been granted for the property since B.O. #747-86. Nevertheless, the signage at the site has been

replaced at least twice since then: in 1994 when the Days Inn converted back to a Holiday Inn, and in 2007 when the property became the Hotel Indigo.

The applicant's plans show two existing signs: a freestanding sign on Grove Street and a large sign on the northwest face of the elevator penthouse. These existing signs are noncompliant with regard to the requirement for Board review contained in B.O. #392-63 and the current Zoning Ordinance Section 30-20, which relates to the size and location of signs. To legalize the noncompliant status of these signs, the applicant must obtain a special permit from the Board of Aldermen. Toward that end, the petitioner has submitted a sign package including the following existing and proposed signs:

- An existing nearly 38 square foot freestanding sign advertising the Hotel Indigo and BOKX 109 (6.9 feet in height and 5.5 feet in width).
- A proposed 27.8 square foot Hotel Indigo sign on the front of the entry portico
- A proposed 5.1 square foot BOKX 109 sign on the south side of the entry portico
- An existing 167.3 square foot sign on the west façade of the elevator penthouse
- A proposed 72.6 square foot Hotel Indigo sign at the top of the south façade

The applicant's existing freestanding sign has an area of almost 38 square feet where a maximum of 35 square feet is allowed by special permit. A freestanding sign was originally approved by Board Order #335-65, but the existing sign does not conform to the dimensions permitted under that Board Order. Therefore the freestanding sign cannot be an extension of a legally permitted nonconforming sign. To legalize the freestanding sign, the applicant must obtain a variance from the Zoning Board of Appeals or reduce the size of the sign to 35 square feet or less and obtain a special permit from the Board of Aldermen, per Section 30-20(f)(9) and 30-20(l).

As Section 30-20(f)(1) requires that freestanding signs shall be considered the principal sign, the other four signs must be considered secondary signs. Per Section 30-20(f)(2), one secondary sign is permitted for each building or business establishment for each frontage facing a street or parking area. Secondary signs may not exceed fifty square feet or one foot per foot of building frontage, whichever is less, so long as the total number of secondary signs per establishment/building does not exceed two. The Hotel Indigo sign on the front of the entry portico is a permissible secondary sign. The BOKX 109 sign on the south side of the entry portico is also a permissible secondary sign and, as it advertises a separate business establishment, does not count against the limit of two secondary signs for the Hotel Indigo. The remaining two façade signs for the Hotel Indigo are larger than the allowed 50 square feet for a secondary sign. The applicant also proposes a total of three secondary signs for the Hotel Indigo, where only two are allowed. To retain or construct the signs as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-20(l), to waive location, size, and quantity requirements for secondary signs.

## Phase 2

15. Phase 2 depends on the development of Riverside Station at 327 Grove Street. As part of that development, the applicant is proposing to subdivide, or is willing to allow a taking of, a portion of the rear of 399 Grove Street to provide for a rear access road into the Riverside Station development from Recreation Road and/or the Route 128 Collector/Distributor Road. By changing the size and shape of the lot a number of features about the site will change, including the percentage of landscaped area and lot coverage, FAR, and setbacks. The new road will also require the removal of some of the rear surface parking lot. The following determinations concern the necessary relief required to allow Phase 2.

16. The property is located in the BU5 zone and must comply with the dimensional standards of Section 30-15, Table 3. The change of lot size and shape will affect the front setbacks, lot coverage, and landscaped area of the resulting lot in Phase 2 (see chart below).

| BU5 Zone             | Required/Allowed              | Phase 1  | Phase 2   |
|----------------------|-------------------------------|--|---|
| Lot Size             | 2 acres (87,120 square feet)* | 116,649 feet   | 100,518 feet  |
| Frontage             | N/A                           | 166.7 feet   | 166.7 feet  |
| Setbacks             |                               |  |   |
| • Front              | 15 feet                       | 72.3 feet to Grove Street and 33.7 feet to Recreation Road | No change to Grove Street; 29 feet to the new Riverside Access Road |
| • Side               | 10 feet                       | 12.4 feet  | No change   |
| • Rear               | 15 feet                       | (No rear lot line)   | (No rear lot line)  |
| FAR                  | 1.0, up to 1.5 by S.P.        | 1.0  | <b>1.2</b>  |
| Building Height      | 36, up to 48 by S.P.          | <b>74.9**</b>  | <b>No change</b>  |
| Maximum Stories      | 3, up to 4 by S.P.            | <b>8**</b>   | <b>No change</b>  |
| Max. Lot Coverage    | 25%                           | <b>41%</b>   | <b>47%</b>  |
| Min. Landscaped Area | 25%*                          | <b>21%</b>   | <b>19%</b>  |

\* Per Section 30-11(i)(5)

\*\* Built per B.O. #392-63; see #6 above

17. Per Section 30-15, Table 3, development in the BU5 zone is limited to a floor area ratio of 1.0 by right and up to 1.5 by special permit. The applicant's plans and calculations show that the existing structure and site layout has an FAR of 1.0. By reducing the size of the lot to accommodate the rear access road to 327 Grove Street, the FAR will increase to 1.2. To change the size of the lot as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15, Table 3. Alternatively, if the rear portion of the site is taken by a state agency or for a public purpose, Section 30-26(a)(1) prevents any dimensional requirement of Section 30-15 from being considered noncompliant if the lot shape or area is altered by the taking of land by a government agency or for a public purpose. Under this scenario, no zoning relief would be required.

18. Per Section 30-15, Table 3, development in the BU5 zone is limited to 25% lot coverage. The applicant's plans and calculations show that the existing lot coverage is 41% and, therefore, nonconforming. By reducing the size of the lot to accommodate the rear access road to 327 Grove



Street, lot coverage will increase to 47%. To change the size of the lot as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b) to extend the nonconformity. Alternatively, if the rear portion of the site is taken by a state agency or for a public purpose, Section 30-26(a)(1) prevents any dimensional requirement of Section 30-15 from being considered noncompliant if the lot shape or area is altered by the taking of land by a government agency or for a public purpose. Under this scenario, no zoning relief would be required.

19. In Phase 1, the applicant must either provide a conforming amount of landscaped area or obtain a variance. In Phase 2, the total lot area will be decreased by the taking of a portion of 399 Grove Street to provide for an access road to the rear of the Riverside Station development which will further reduce the landscaped area of the parcel potentially bringing the site into noncompliance. Section 30-26(a)(1) provides protection from noncompliance from the dimensional standards of Section 30-15 when land is taken for a public purpose or by a governmental agency. However, the landscaped area requirement is located in Section 30-11 and therefore not exempt under Section 30-26. Therefore, in order to reduce the size of the lot as proposed, the applicant must either comply with the landscaped area requirement or obtain a variance for landscaped area from the Zoning Board of Appeals.

20. In Phase 2, the creation of a rear access road to 327 Grove Street over a portion of the existing rear surface parking facility will reduce the total number of stalls to 204 (see the table below). The applicant’s plans also show an increase in the number of stalls on the upper parking level in Phase 2. This increase was achieved by creating parking spaces within the existing pedestrian walkway and more efficiently marking the parking deck.

| Area                | 1964 Plan  | Existing   | Phase 1    | Phase 2    |
|---------------------|------------|------------|------------|------------|
| Front/Lobby         | 10         | 4          | 5          | 2          |
| Upper Parking Level | 107        | 74         | 74         | 82         |
| Lower Parking Level | 172        | 138        | 145        | 120        |
| <b>TOTAL</b>        | <b>289</b> | <b>216</b> | <b>224</b> | <b>204</b> |

As a result, the applicant must obtain a waiver of 20 additional parking stalls from the Board of Aldermen, per Section 30-19(m) (for a total of 75 waived parking stalls), see the table below.

| Proposed Uses                         | Parking Formula  | Required Parking |
|---------------------------------------|--|------------------|
| 191 hotel rooms                       | 1 stall per room   | 191              |
| 21 employees on the largest shift     | 1 stall per three employees  | 7                |
| 458-seat restaurant                   | 1 stall per 3 seats, divided by 2 for a restaurant attached to a hotel     | 77               |
| 20 employees on the largest shift     | 1 stall per 3 employees, divided by 2 for a restaurant attached to a hotel | 4                |
| TOTAL Requirement                     |  | 279              |
| Off-street parking spaces (Phase 2)   |  | 204              |
| <b>Number of stalls to be waived:</b> |  | <b>75</b>        |

See “Zoning Relief Summary” below:

| <b>Zoning Relief Required</b>  |  |   |
|--|--|---|
| <b>PHASE 1</b>   |  |   |
| <i>Ordinance</i>   | <i>Relief</i>  | <i>Action Required</i>                        |
|  | Alter an approved site plan to include all existing and proposed features of the site, including parking, loading, signage, pool deck, and wireless communications equipment   | Amend and consolidate previous Board Orders   |
| §30-21(b)  | Extend an existing nonconforming structure through the addition of an awning on the sundeck  | S.P. per §30-24, amend existing site plan     |
| §30-11(i)(5)   | Provide at least 25% landscaped area or obtain a variance  | Comply or variance per §30-27                 |
| §30-19(d)(3), (d)(13); §30-19(m)   | Waive 55 required parking stalls   | S.P. per §30-24                               |
| §30-19(h)(2), (h)(3), (h)(2)e), (h)(4); §30-19(i)(1) and (i)(2); §30-19(j); §30-19(k); §30-19(m) | Waive the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, maximum entrance and exit driveway widths; waive or comply with the landscape screening, lighting, curbing, surfacing and maintenance, and bicycle parking requirements for a parking facility with greater than 20 stalls | S.P. per §30-24                               |
| §30-20(f)(9) and §30-20(l)   | Conform or obtain a variance for a freestanding sign of greater than 35 square feet  | Comply or variance per §30-27                 |
| §30-20(f)(1) and (f)(2); §30-20(l)   | Permit three secondary signs for the Hotel Indigo; waive the size limit for two secondary signs  | S.P. per §30-24                               |
| <b>PHASE 2</b>   |  |   |
| <i>Ordinance</i>   | <i>Relief</i>  | <i>Action Required</i>                        |
| §30-15, Table 3  | Allow an FAR of 1.2 where 1.0 is allowed by right  | S.P. per §30-24, or exempt under §30-26(a)(1) |
| §30-15, Table 3; §30-21(b)   | Allow an increase in the nonconforming lot coverage  | S.P. per §30-24, or exempt under §30-26(a)(1) |
| §30-11(i)(5)   | Allow a decrease in landscaped area below 25%  | Variance per §30-27,                          |
| §30-19(d)(3), (d)(13); §30-19(m)   | Waive 20 additional required parking stalls (75 total stalls waived)   | S.P. per §30-24                               |

## Attachment A

- **Board Order #392-63** (May 20, 1963) authorizing a 200 unit motel and site plan
- **Board Order #392-63(2)** (December 16, 1963) authorizing an extension of the conditions of B.O. 392-63 to July 22, 1964.
- **Board Order #158-64** (March 16, 1964) authorizing changes in details to conform to sewer and drainage requirements
- **Board Order #335-65** (June 21, 1965) authorizing signage for a Holiday Inn
- **Board Order #634-66** (November 21, 1966) authorizing a Heliport (does not appear to have been exercised)
- **Board Order #556-67** (August 21, 1967) authorizing an extension of B.O. #634-66 for one year (does not appear to have been exercised)
- **Board Order #810-85** (February 18, 1986) authorizing a satellite dish antenna and revised site plan
- **Board Order #291-86** (May 19, 1986) authorizing signage for Holiday Inn
- **Board Order #747-86** (March 2, 1987) authorizing signage for Days Inn